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ORIGINAL
FILE COPY

January 18, 1995

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

RE: Docket No. 930260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion to Strike Portions of the Second Prehearing Statement Filed By the Communication Workers of America. Please file these documents in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White (02)

Nancy B. White

ACK 1

AFA 1

APP _____

CPY _____

Newton
Enclosures

cc: All Parties of Record

Elias A. M. Lombardo

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4 R. D. Lackey

Vinson

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CERTIFICATE OF SERVICE

Docket No. 920260-TL
Docket No. 900960-TL
Docket No. 910163-TL
Docket No. 910727-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 18th day of January, 1995 to:

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Nancy B. White
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: January 18, 1995
Company)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION TO STRIKE PORTIONS OF THE SECOND PREHEARING STATEMENT
FILED BY THE COMMUNICATION WORKERS OF AMERICA

BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), moves the Prehearing Officer, pursuant to Rule 25-22.037 of the Rules of the Florida Public Service Commission ("Commission"), to strike portions of the Second Prehearing Statement filed by the Communication Workers of America ("CWA") for the reasons set forth below.

1. First, Southern Bell moves to strike a portion of the section in the CWA's Prehearing Statement concerning witnesses. The CWA has listed the names of three witnesses in addition to that of Mr. Robert Kruckles, the only witness listed by the CWA who has prefiled direct testimony. The second order establishing procedure in this case, Order No. PSC-94-1585-PCO-TL, issued on December 22, 1994, specifically states that "each party shall prefile, in writing, all testimony that it intends to sponsor." It further states that "failure of a party to timely prefile ...testimony from any witness...may bar admission of such ...testimony." For this reason alone, the listing of all witnesses, other than Mr. Kruckles, should be deleted from the CWA's Prehearing Statement and these witnesses should be prohibited from testifying on behalf of CWA.

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2. At the very least, Messrs. Shreve and Lacher should be deleted from the CWA's prehearing statement. Both of these gentlemen have been listed by the CWA as witnesses concerning the issue of the settlement. As stated in the Second Procedural Order, the sole factual issue that exists with regard to this matter is the appropriate disbursement of the \$10 million in unspecified rate reductions scheduled for 1994, resulting from the Stipulation and Implementation Agreement ("Settlement") entered into by the parties in Docket No. 920260-TL. By Order No. PSC-94-1072-FOF-TL, dated February 11, 1994, the Commission approved the Settlement. This order is a final judgment, upon which all appeal time has run. Thus, any questions concerning the appropriateness of or circumstances surrounding the Settlement are irrelevant to this proceeding. Yet these are the very issues about which Mr. Lacher's and Mr. Shreve's knowledge center. As for Mr. Lacher, he was not involved in determining the specific rate designs either proposed by Southern Bell or ultimately approved by this Commission. Therefore, it is inappropriate of the CWA to list these gentlemen as witnesses.

3. Second, Southern Bell moves to strike a portion of the exhibits listed in that section of the CWA's Prehearing Statement. The listed exhibits include all documents produced in discovery in Docket No. 920260-TL (b, 5), as well as all pleadings filed in Docket No. 920260-TL (b, 8). Setting aside the fact that this would constitute literally millions of pages of documents, the listings are inappropriate because the vast majority of these documents have no relevance whatsoever to the

subject of this particular proceeding. That subject is the appropriateness vel non of the Commission's order distributing the \$10 million in unallocated revenue reductions for 1994, resulting from the Stipulation and Implementation Agreement (the "Settlement") in Docket No. 920260-TL and approved by the Commission in Order No. 94-0172-707-TL, dated February 11, 1994. Thus, the listing by the CWA of these documents as exhibits should be stricken as irrelevant to the issues in this proceeding.

4. Third, Southern Bell moves to strike portions of the section in the CWA's Prehearing Statement relating the questions of fact at issue. The CWA has listed one issue (d, 3) as to whether the Settlement should be set aside. The Order approving the Settlement is a final judgment, upon which all appeal time has long since run. Therefore, any questions concerning whether the Settlement should be set aside are irrelevant to the proceeding at hand.

5. In addition, six of the so-called questions of fact listed by the CWA (d, 1, 3-7) are already covered by the issue list contained in the Second Procedural Order. Therefore, these proposed questions of fact are superfluous, redundant, and should be deleted from the Prehearing Statement. The CWA can not now be heard to complain about the list agreed upon at the appropriate time.

6. Fourth, Southern Bell moves to strike the portion of the section of the CWA's Prehearing Statement on the questions of law. Once again, all of these questions are already covered by

the issue list contained in the procedural order. Again, it must be noted that, while the CWA had notice of the Issue Identification Workshop in this proceeding, they failed to attend same and can not now be heard to complain about the list agreed upon at that time.

Wherefore, Southern Bell moves the Prehearing Officer to grant Southern Bell's Motion to Strike Portions of the CWA's Second Prehearing Statement for the reasons set forth herein.

Respectfully submitted this 18th day of January, 1995.

SOUTHERN BELL TELEPHONE
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