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RECORDS AND
REPORTING

September 30, 1998

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 971492-TI

Dear Ms. Bayo:


Enclosed for filing in the above-referenced docket are the original and 15 copies of the Amended Second Motion to Compel Against AT&T by the Attorney General and the Citizens of Florida; Request for *In Camera* Inspection of Documents; Request for Ruling on First Motion to Compel.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

Sincerely,


Charles J. Beck
Deputy Public Counsel

- ACK _____
- AFA _____
- APP _____
- CAF 1
- CMU _____
- CTR _____ CJB:bsr
- EAG _____ Enclosures
- LEG 1
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____

DOCUMENT NUMBER-DATE

10754 SEP 30 98

FPSC-BUREAU OF RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Initiation of show cause)
proceedings against AT&T)
Communications of the Southern)
States, Inc. and d/b/a Connect)
N' Save for violation of Rule)
25-4.118, F.A.C., Interexchange)
Carrier Selection.)
/

Docket No. 971492-TI
Date Filed: September 30, 1998

**AMENDED SECOND MOTION TO COMPEL AGAINST AT&T BY THE ATTORNEY
GENERAL AND THE CITIZENS OF FLORIDA; REQUEST FOR *IN CAMERA*
INSPECTION OF DOCUMENTS; REQUEST FOR RULING ON FIRST MOTION TO
COMPEL**

Robert A. Butterworth, Attorney General ("Attorney General"), and the Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this amended second motion to compel requesting the Florida Public Service Commission ("Commission") to issue an order requiring AT&T to produce all documents withheld by AT&T Communications of the Southern States, Inc. ("AT&T") in their response to the third set of requests for production of documents to AT&T by the Attorney General and the Citizens of Florida dated July 22, 1998. Alternatively, we request an in camera inspection of the withheld documents. In addition, we request the Commission to rule on our first motion to compel against AT&T filed on January 27, 1998.

1. The Attorney General and the Citizens of Florida served our the third set of requests for production of documents to AT&T on July 22, 1998. Responses were due on or before Friday, August 21, 1998.

DOCUMENT NUMBER-DATE

10754 SEP 30 88

FPSO-RECORDS/REPORTING

2. On August 28, 1998, the Attorney General and the Citizens filed our second motion to compel against AT&T. That motion requested the Commission to issue an order requiring AT&T Communications of the Southern States, Inc. ("AT&T") to provide all documents requested by the third set of requests for production of documents to AT&T by the Attorney General and the Citizens of Florida dated July 22, 1998.

4. On August 31, 1998, AT&T filed its response and objections to the request for production of documents. The response listed 26 documents that AT&T refused to provide based on claims of attorney-client, work-product, or other unnamed privilege. The response provided no basis for the claims of privilege.

5. AT&T waived any claim of privilege by not providing a timely response to the request for production of documents. Accordingly, the Commission should order AT&T to produce each of these documents.

6. Alternatively, the Attorney General and the Citizens request the Commission to conduct an *in camera* inspection of these documents to determine whether any claim of privilege applies. The Commission should then order AT&T to produce all documents and portions of documents to which a privilege does not apply.

7. The Attorney General and the Citizens filed our first motion to compel against AT&T on January 17, 1998. The Commission has not yet ruled on the motion. The Attorney General and the Citizens request a ruling on that motion as well.

WHEREFORE, the Attorney General and the Citizens respectfully request the Commission to issue an order requiring AT&T to immediately produce all documents withheld by AT&T in response to the third set of requests for production of documents to AT&T by the Attorney General and the Citizens of Florida dated July 22, 1998. The Attorney General and the Citizens also request the Commission to rule on our first motion to compel against AT&T dated January 27, 1998.

MICHAEL A. GROSS
Assistant Attorney General
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CERTIFICATE OF SERVICE

Docket No. 971492-TI

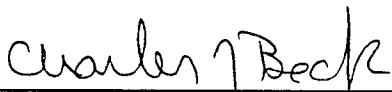
I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 30th day of September, 1998.

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