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**Aylstock, Witkin & Sasser, PC**

4400 Bayou Boulevard, Suite 58 • Pensacola, Florida 32503-2673  
Telephone: (850) 916-7450  
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Bryan F. Aylstock (FL, AL, MS)\*  
Justin G. Witkin (FL, MS)  
William F. Sasser (MO, IL)

Kenneth W. Smith (FL, VA, DC, MS)  
*Of Counsel*  
\*States in which attorney is licensed to practice law

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Joshua A. Jones (FL)  
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September 12, 2005

Florida Public Service Commission  
**ATTN: BLANCA BAYO, DIRECTOR**  
Division of Commission Clerk  
and Administrative Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

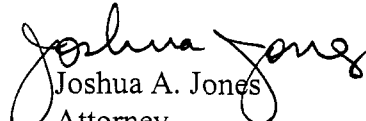
Re: In re BellSouth Tariff  
Docket No. 050194-TL

Dear Ms. Bayo:

Enclosed for filing, please find an original and one copy of Plaintiffs' First Request for Production to Defendant regarding the above-referenced case.

Your attention is most appreciated.

Yours very truly,

  
Joshua A. Jones  
Attorney

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_ /jaj
- SCR \_\_\_\_\_ Enclosures
- SGA \_\_\_\_\_ cc: BellSouth Telecommunications, Inc.
- SEC 1 Nancy White, Esq.
- OTH \_\_\_\_\_ Sharon Liebman, Esq.
- \_\_\_\_\_ R. Douglas Lackey, Esq.
- \_\_\_\_\_ Lance Harke, P.A., *Harke & Clasby, LLP*
- \_\_\_\_\_ Barbara Perez, Esq., *Aronovitz Trial Lawyers*

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Telephone: (561) 347-1348  
Facsimile: (561) 347-3070  
08689 SEP 14 12

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

KARLA KAY HIGHTSHOE, an individual,  
on behalf of herself and all others similarly  
situated,

Petitioner,

DOCKET NO.: 050194-TL

v.

BELLSOUTH TELECOMMUNICATIONS, INC.,  
a Georgia Corporation.

Respondent.

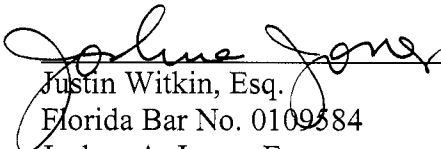
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**NOTICE OF SERVING PLAINTIFFS' FIRST  
REQUEST FOR PRODUCTION TO DEFENDANT**

COME NOW the Complainants/Plaintiffs, by and through counsel, and hereby files their Notice of Serving Plaintiffs' First Request for Production to Defendant, BellSouth. Attached hereto is a copy of said Requests for Production.

Respectfully submitted this 12 day of September.

Respectfully submitted,

  
Justin Witkin, Esq.  
Florida Bar No. 0109384  
Joshua A. Jones, Esq.  
Florida Bar No. 0847291  
*AYLSTOCK, WITKIN & SASSER, PLC*  
4400 Bayou Boulevard, Suite 58  
Pensacola, FL 32503  
Telephone: (850) 916-7450  
Facsimile: (850) 916-7449

Lance A. Harke, P.A.  
Florida Bar No. 863599  
Sarah Clasby Engel, P.A.  
Florida Bar No. 991030  
David J. Maher, Esq.  
Florida Bar No. 993484

DOCUMENT NUMBER-DATE

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*HARKE & CLASBY LLP*  
155 South Miami Ave., Suite 600  
Miami, Florida 33130  
Telephone: (305) 536-8220  
Facsimile: (305) 536-8229

Barbara Perez  
Florida Bar No.  
*ARONOVITZ TRIAL LAWYERS*  
Museum Tower, Suite 2700  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (305) 372-2772  
Facsimile: (305) 375-0243

*Counsel for Petitioners & Class Members*

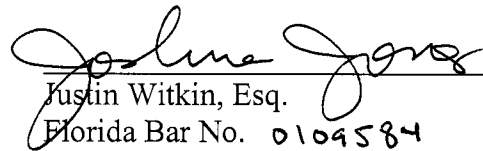
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via

U.S. Mail this 12 day of September 2005 to:

Nancy B. White  
Sharon Liebman  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301  
(305) 347-5558

R. Douglas Lackey  
Suite 4300, BellSouth Center  
675 W. Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0747

  
Justin Witkin, Esq.  
Florida Bar No. 0109584

Joshua A. Jones, Esq.  
Florida Bar No. 0847291  
*AYLSTOCK, WITKIN & SASSER, PLC*  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

KARLA KAY HIGHTSHOE, an individual,  
on behalf of herself and all others similarly  
situated,

Petitioner,

DOCKET NO.: 050194-TL

v.

BELLSOUTH TELECOMMUNICATIONS, INC.,  
a Georgia Corporation.

Respondent.

---

**PLAINTIFFS' FIRST REQUEST  
FOR PRODUCTION TO DEFENDANT**

Pursuant to Florida Rules of Civil Procedure and Regulations of the Florida Public Service Commission, Karla Kay Hightshoe, on behalf of herself and on behalf of a class of similarly situated persons throughout the State of Florida, hereby propounds the following request for production to Defendant BellSouth Telecommunications, Inc. ("BellSouth"), and hereby requests that BellSouth produce within thirty days of the date of service as indicated below, the documents and things described below at the law offices of Aylstock, Witkin & Sasser, PLC, 4400 Bayou Boulevard, Suite 58, Pensacola, FL 32503.

**I. INSTRUCTIONS**

1. If you claim that any of the documents requested below or any part of any such document is privileged or if you otherwise withhold or redact any requested document or part thereof then, with respect to each such document or part thereof, prepare a privilege log which identifies and describes the document, the date the document was created, the author(s) of the document, each person who received a copy of the document, the location of the document, and

DOCUMENT NUMBER-DATE

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describe in detail the basis of your claim of privilege.

**DEFINITIONS**

2. As used herein "You" or "Your" shall mean BellSouth Telecommunications, Inc. and each of its entities, subsidiaries, partners, predecessors, agents, attorneys, personnel and other representatives acting on its behalf.

3. As used herein, the term "document" or "documents" shall mean the original and any copy of all written, printed, typed, recorded or graphic material of any kind or character now or formerly in your possession, custody or control either individually or as an officer, director, partner, joint venturer, agent, employee or representative of any corporation, partnership, joint venture or other entity, including without limitation, letters, correspondence, diaries, papers, telegrams, memoranda, handwritten notes, inventories, records, minutes, contracts, agreements, records or notations of telephone or personal conversations or conferences, data sheets, books of account, microfilm, bulletins, circulars, pamphlets, studies, notices, summaries, reports, books, teletype messages, invoices, canceled checks, bank statements, computer disks, tape recordings, working papers, and work sheets, or any other writings, however produced or reproduced, and shall include all documents of yours of which you have knowledge, whether or not you currently have such documents in your care, custody or control.

4. As used herein "communication" means all occasions which information was conveyed from one person to another by means of a document, verbally, electronically or otherwise including but not limited to use of a telephone or other mechanical means.

5. As used herein, "persons" shall include, whenever appropriate, not only a natural

person but also a corporation, partnership, unincorporated association, joint venture or association, board, or other body. A request for identification of a person having knowledge of facts or custody of a document shall be construed to refer to a natural person including all agents, representatives, and any of the above listed entities.

6. These requests for production are continuing and require you to serve timely supplemental answers with any information within the scope of these requests acquired by you, your attorneys, investigators, agents, or others employed by or acting in your behalf, subsequent to your original answers.

7. "And" or "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of each request all responses which might otherwise be construed to be outside its scope.

8. Any word written in the singular herein shall be construed as plural when necessary in order to facilitate a response to any request.

9. "Manhole Fee" shall mean the fee or charge you billed to consumers under the line item "Cost of Dade County Manhole ordinance #83-3," or with similar terminology, to allegedly compensate you for expenses incurred as a direct result of your compliance with Dade County Ordinance § 21-44, entitled "Manholes; safety requirements; penalty."

10. "Tariff" shall mean the BellSouth General Subscriber Service Tariffs, section A.2.4.6.

#### **Requests for Production**

1. Documents sufficient to identify Bellsouth's corporate or business hierarchy, including but not limited to all departments, groups, entities or business units responsible for or

having any authority with respect to the “Manhole Fee,” or compliance and calculation of costs of compliance with Tariff.

2. All documents regarding, referencing, and/or evidencing any “adjustment” or audit made in relation to the Manhole Fee, from 1983 to the present, as required by the Tariff.

3. All documents regarding, referencing, and/or evidencing any “application” of any “adjustment” or audit from 1983 to the present, as required by the Tariff.

4. Documents sufficient to identify the “actual costs incurred [by you] for the six month periods ending June 30<sup>th</sup> and December 31<sup>st</sup> of each year,” from 1983 to the present, as a direct result of your alleged compliance with Dade County Ordinance § 21-44, entitled “Manholes; safety requirements; penalty.”

5. Documents sufficient to identify the per-line amount billed to subscribers as a result of the Manhole Fee for each six (6) month period ending June 30<sup>th</sup> and December 31<sup>st</sup> of each year from 1983 to the present.

6. Documents sufficient to identify the name and address of every BellSouth customer that has been charged the Manhole Fee since February 11, 1983, whether or not such person or business is still a customer of BellSouth.

7. Documents sufficient to identify individuals responsible for or involved in:
- a. calculating costs of compliance with the Tariff;
  - b. determining charges to be applied to customers to cover costs of compliance with the Tariff;
  - c. conducting adjustments or audits per the Tariff; and/or



d. reconciling customer accounts with actual cost of compliance with the Tariff.

8. Any and all documentation concerning work performed by BellSouth in and around manholes from January 1, 1983 until the present, including but not limited to names of contractors that provided manhole security guards, vouchers to pay such contractors, and payments made to such contractors.

9. All documents including, but not limited to, memos, reports, correspondence, emails, protocols, handbooks, training manuals and guide books concerning or related to:

- a. calculating costs of compliance with the Tariff;
- b. determining charges to be applied to customers to cover costs of compliance with the Tariff;
- c. conducting adjustments or audits per the Tariff; and/or
- d. reconciling customer accounts with the actual cost of compliance with the Tariff.

10. All "Manhole Support Costing Worksheets" whether in electronic form or hard copy.

11. All documents referenced by you to create the following documents you produced to the Florida Public Service Commission on August 15, 2005:

- a. Exhibit A: Original Calculation of Revenues and Expenses For Dade County Manhole Ordinance;
- b. Exhibit B: Revised Calculation of Revenues and Expenses For Dade County Manhole Ordinance;

- c. Exhibit C: Original Calculation of Revenues and Expenses for Dade County Manhole Ordinance;
  - d. Exhibit D: Expenses for Dade County Manhole Ordinance;
  - e. Exhibit E: Billed and Booked Revenues for Docket No. 050194-TL, Item 1.
12. Any documents identifying and/or explaining BellSouth's use of "Keep Cost Numbers" in its method of accounting and/or record keeping.
13. All documents concerning the manhole ordinance and/or tariff as each relates to Keep Cost Numbers KC 36850, KC 36860, KC 36870.
14. All documents identifying and/or explaining BellSouth's purpose and/or method of dividing the Dade County service area into the Northern Division, Central Division, and Southern Division.

Respectfully submitted,



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Justin Witkin, Esq.  
Florida Bar No. 0109584  
Joshua A. Jones, Esq.  
Florida Bar No. 0847291  
*AYLSTOCK, WITKIN & SASSER, PLC*  
4400 Bayou Boulevard, Suite 58  
Pensacola, FL 32503  
Telephone: (850) 916-7450  
Facsimile: (850) 916-7449

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David J. Maher, Esq.

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*Counsel for Petitioners & Class Members*

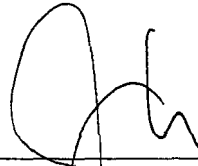
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Florida Bar No.  
Joshua A. Jones, Esq.  
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