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JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-488-9330

ORIGINAL  
FILE COPY

August 2, 1991

Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Re: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 12 copies of Citizens' Motion for Reconsideration of Order on Prehearing Procedure to be filed in this docket.

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

- ACK
- ASA \_\_\_\_\_
- ATP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1 w/m
- LRI 6
- OPD \_\_\_\_\_
- PTD \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

Enclosure

Sincerely,

Darlene Driscoll

RECEIVED & FILED

FPSO-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07827 AUG-2 1991

FPSO-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL  
FILE COPY**

In re: Investigation into the )  
Integrity of Southern Bell's )  
Repair Service Activities and )  
Reports )  
\_\_\_\_\_ )

Docket No. 910163-TL  
Filed: August 2, 1991

**MOTION FOR RECONSIDERATION OF ORDER ON PREHEARING PROCEDURE**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the prehearing officer to reconsider his order no. 24867 issued July 30, 1991.

1. Order no. 24866 sets a schedule for filing testimony, conducting discovery and holding hearings in this case. Direct testimony by Southern Bell Telephone and Telegraph Company ("Southern Bell") would be due October 15, 1991, and testimony by others would follow. Hearings would be held in March, 1992.

2. The order on prehearing procedure makes no mention of the ongoing investigations by the Attorney General's economic crimes unit and the Statewide Prosecutor affecting this docket. After meeting with a representative Attorney General's economic crimes unit and the Statewide Prosecutor this past March, the Public Counsel decided to postpone taking depositions in either this docket or docket 900960-TL in order to avoid interference with ongoing criminal investigations. The Public Counsel's

DOCUMENT NUMBER-DATE  
07827 AUG -2 1991  
PSC-RECORDS/REPORTING

letter dated April 9, 1991 (Attachment 1) advised Chairman Beard about these matters.

3. The Public Counsel has diligently pursued discovery through means other than depositions and will continue to do so. Considerable additional discovery through means other than depositions must still be done as the investigation continues. The time schedule set forth in the Order on Prehearing Procedure does not allow sufficient time to investigate this complex case, nor does it take into account the suspension of depositions pending the completion of the criminal investigation.

4. Justice would be best served by postponing the issuance of an order on prehearing procedure until the criminal investigation of Southern Bell in this area is complete. Once that investigation is done, under the public records law the parties may request access to statements taken in that investigation. Some depositions may still be necessary once this additional information becomes available<sup>1</sup>.

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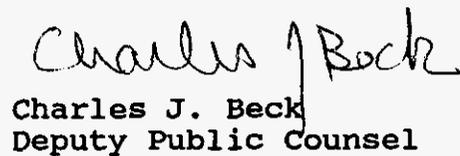
<sup>1</sup>Southern Bell apparently has taken statements from over 500 persons, but it has refused to identify those persons with knowledge of pertinent facts in this docket. A copy of a letter dated July 30, 1991 requesting rulings on pending motions is appended to this motion as attachment 2.

WHEREFORE , the Citizens respectfully request the Prehearing Officer to reconsider his Order on Prehearing Procedure and postpone scheduling the filing of testimony, deadlines for discovery and hearing dates until the criminal investigation of Southern Bell is complete.

Respectfully submitted,



Jack Shreve  
Public Counsel



Charles J. Beck  
Deputy Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

(904) 488-9330

Attorneys for the Citizens  
of the State of Florida

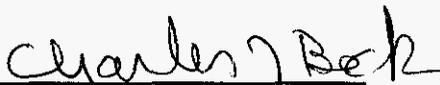
**CERTIFICATE OF SERVICE  
DOCKET NO. 910163-TL**

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 2nd day of August, 1991.

Marshall Criser, III  
Southern Bell Telephone and  
Telegraph Company  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301

Suzanne Summerlin  
Division of Legal Services  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

John Hoag  
Department of Legal Affairs  
Presidential Circle  
4000 Hollywood Ave.  
5th Fl., Rm. 10  
Hollywood, FL 33021

  
Charles J. Beck  
Deputy Public Counsel

**ATTACHMENT 1**



STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-486-9330

JACK SHREVE  
PUBLIC COUNSEL

April 9, 1991

Thomas M. Beard, Chairman  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Re: Dockets Nos. 900960-TL and 910163-TL

Dear Chairman Beard:

This past Wednesday your staff counsel Suzanne F. Summerlin advised our office that the Florida Public Service Commission intended to proceed with the depositions scheduled in docket 900960-TL. I want to make my position clear to you.

I had meetings with a representative from the Attorney General's economic crimes unit and the office of the statewide prosecutor following the depositions taken by our office on March 1, 1991. I was made aware of the ramifications of our taking further depositions. It is my understanding your staff had conversations with these same representatives and that this same information was made available to your staff and presumably to you.

My decision to temporarily postpone this aspect of our investigation is based on my past experience in criminal prosecution, while conducting grand jury investigations as Assistant State Attorney, working with FDLE, the Attorney General, and local law enforcement while serving as Chairman of the House Criminal Justice Committee, Assistant State Attorney, and General Counsel of the Florida Department of State.

The attached letter dated February 12, 1987 indicates that the Commission received a report about alteration of repair records by Southern Bell management employees before that date. Since the Commission has had this time to investigate, I do not think it would be dilatory to temporarily postpone depositions while a criminal investigation is conducted.

Chairman Beard

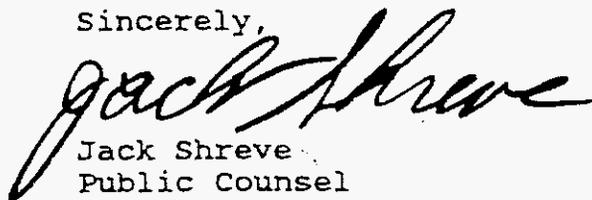
Page 2

April 9, 1991

I will temporarily postpone depositions in our investigation while continuing to fully use other discovery tools, which are available and have been available to both the Public Service Commission and this office such as, but not limited to, requests for admissions, requests for production of documents, and interrogatories which are available to the Office of the Public Counsel.

I am providing a copy of this letter to all parties of record in dockets 900960-TL and 910163-TL, as well as to the Attorney General and Statewide Prosecutor.

Sincerely,

A handwritten signature in cursive script that reads "Jack Shreve".

Jack Shreve  
Public Counsel

JS/bdd  
Enclosure

cc: Mr. Steve Trubbe

Commissioners:  
 RON R. MARKS, III, CHAIRMAN  
 RALPH L. (JERRY) GUNTER  
 JOHN T. HERNDON  
 KATIE NICHOLS  
 MICHAEL MCK. WILSON



DIVISION OF COMMUNICATIONS  
 DIRECTOR, WALTER D'HAESELEER  
 (904) 488-1280

## Public Service Commission

February 12, 1987

Arthur W. Tifford, P.A.  
 Attorney at Law  
 1385 North West 15th Street  
 Miami, FL. 33125

Dear Mr. Tifford:

Confirming our meeting of February 2, 1987 concerning the alleged alteration of records by Southern Bell management employees. As we discussed, the best approach for us to take, absent testimony from persons with first hand knowledge, is to make sure our staff fully understands the capabilities of the data bases used for control of out of service reports. With additional training we expect to have the tools necessary to discover any abuses of Southern Bell's trouble reporting system.

At my request Southern Bell is in the process of arranging a Commission staff tutorial. Our task will then be easier since we already know what we will be looking for in our next Southern Bell evaluation. A time and place for the evaluation has not yet been established, however, I will notify you of our findings at its conclusion.

I hope, considering your clients request for anonymity, that this has been responsive to your complaint. Please feel free to call on me if you have any questions.

Sincerely,

J.A. Taylor, Chief  
 Bureau of Service Evaluation

JAT/tp (0368C)

cc: B. Bailey, 0-113

**ATTACHMENT 2**



STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-488-9330

JACK SHREVE  
PUBLIC COUNSEL

July 30, 1991

Ms. Suzanne Summerlin  
Division of Legal Services  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

Re: 910163-TL

Dear Suzanne:

I am writing you once again to request prompt rulings on pending motions before the Commission in this docket.

When I wrote you on July 18, 1991, a Southern Bell motion for confidential treatment and permanent protective order had been ripe for a decision for 10 days. Now it has been ripe for 22 days. Until the Prehearing Officer rules, the documents that are the subject of the motion remain confidential without any review of the validity of Southern Bell's request.

In addition, our office filed a motion to compel on July 11, 1991, and Southern Bell filed its response on July 18, 1991. That matter has been ripe for decision since July 18, 1991. We need a prompt ruling in order to properly continue our investigation in this docket.

Thank you for your assistance.

Sincerely,

Charles J. Beck  
Assistant Public Counsel

CJB/dd

cc: Mr. Steve Tribble  
All parties of record