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Attorney At Law

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July 12, 1994

Florida Public Service Commission  
Division of Records and Reporting  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: Lower Case Docket No. ~~920260-TL~~  
Locals 3121, 3122 and 3107 Communication Workers of  
America, AFL-CIO, Plaintiffs/Appellants v. Florida  
Public Service Commission, Defendant/Appellee

Dear Sir or Madam:

Enclosed please find an original and fifteen (15) copies of my  
clients' Response in Opposition to Southern Bell Telephone and  
Telegraph Company's Motion to Dismiss and Response in Opposition to  
Southern Bell Telephone and Telegraph Company's Motion for  
Emergency Relief with respect to the referenced action. Please  
file same.

ACK  
file same

Thank you.

Sincerely,

*Mark Richard/Be*  
Mark Richard

Dictated By Mark Richard  
But Signed in His Absence  
To Avoid Delay.

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\_\_\_\_\_  
*Hatch*  
\_\_\_\_\_  
MR:Des  
Enclosures  
RC: *Kinnear*  
SEC / *cwa/psc2.ltr*  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

*Motion to Dismiss*  
DOCUMENT NUMBER-DATE  
07044 JUL 15 94  
FPSC-RECORDS/REPORTING

*Response in Opposition*  
DOCUMENT NUMBER-DATE  
07045 JUL 15 94  
FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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RESPONSE IN OPPOSITION TO SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY'S MOTION TO DISMISS

COME NOW Locals 3121, 3122 and 3107 Communication Workers of America, AFL-CIO ("CWA"), by and through their undersigned counsel, and file this response to Southern Bell Telephone and Telegraph Company's ("Southern Bell") Motion to Dismiss CWA's Petition on Proposed Agency Action for Formal Hearing, and states:

1. CWA not only seeks a hearing on their proposal, but believes a hearing is necessary to challenge the approved plan. CWA is opposed to the way the \$10 million refund is designed and wishes to challenge it even if the CWA proposal is denied. Thus, a hearing is necessary.

2. At the agenda conference, the Commission in denying CWA's request for a hearing indicated that CWA had another forum to utilize - - filing of a Petition for an Administrative Hearing on the Commission's Proposed Agency Action. While CWA does not believe such a hearing properly addresses the requirements of the settlement order, it nevertheless took the Commission's advice and filed its Petition.

3. Southern Bell now attempts to make a mockery of this proceeding. The Company used a global settlement to sweep away a myriad of serious problems. Southern Bell then, in its uncontrolled excitement to finalize the deal, went so far as to

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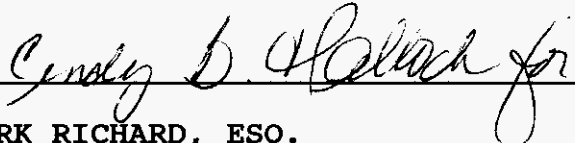
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FPSC-RECORDS/REPORTING

agree to unspecified millions in rate reductions. The parties agree that "interested parties" could submit plans and a hearing would be held on such proposals. However, Southern Bell has done everything within its power to exclude CWA from this process and to covertly and quietly ram the global settlement through the Commission.

4. The Commission should not be a party to such a disingenuous process. CWA only wants the original hearing that they were due (and without waiving that request), and now also seek their administrative hearing.

WHEREFORE, Locals 3121, 3122 and 3107 Communication Workers of America, AFL-CIO request the Florida Public Service Commission deny Southern Bell's Motion to Dismiss.

  
\_\_\_\_\_

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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Response in Opposition to Southern Bell's Motion to Dismiss was mailed to those individuals named on the attached distribution list on this 12<sup>th</sup> day of July, 1994.

  
\_\_\_\_\_

MARK RICHARD, ESQ.

SERVICE LIST

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

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