



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

April 15, 1996

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

Re: Case No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Opposition to Staff's Request to Strike Testimony of Witnesses Who Have Not Prefiled Testimony. A diskette in the IBM-compatible WordPerfect 5.1 is also submitted.

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

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

Sincerely,

Charles J. Beck
Deputy Public Counsel

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APR 15 1996
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
04313 APR 15 96
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Application for a rate)
increase for Orange-Osceola)
Utilities, Inc. in Osceola County,)
and in Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties by Southern States)
Utilities, Inc.)
_____)

Docket No. 950495-WS

Filed: April 15, 1996

CITIZENS' OPPOSITION TO STAFF'S REQUEST TO STRIKE
TESTIMONY OF WITNESSES WHO HAVE NOT PREFILED TESTIMONY

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this response in opposition to the pleading entitled "Request to Strike Testimony of Witnesses who have not Prefiled Testimony," filed by the staff of the Florida Public Service Commission ("Staff") on April 10, 1996.

1. On February 12, 1996, Citizens prefiled testimony of six witnesses who will be appearing on behalf of the Citizens and presenting Citizens' case in opposition to the application for a rate increase filed by Southern States Utilities, Inc. ("Southern States").

2. On March 12, 1996, Citizens, joined by Amelia Island Community Association, Residence Condominium, Residence Property Owners Association, Amelia Retreat Condominium Association, Amelia

Surf and Racquet Property Owners Association and Sandpiper Association ("Nassau Associations"), the Concerned Citizens of Lehigh Acres ("Lehigh Acres"), Sugarmill Woods Civic Association, Inc. ("Sugarmill Woods"), Spring Hill Civic Association, Inc. ("Spring Hill"), Marco Island Civic Association, Inc. ("Marco Island"), Harbour Woods Civic Association ("Harbour Woods"), and the Board of Supervisors of the East County Water Control District ("East County Water Control District"), filed a motion to dismiss this rate case because of misconduct by Southern States interfering with due process rights of the parties. The misconduct alleged in the eleven page motion included (1) soliciting ex parte communications intended to influence the Commission, (2) interference with the notice to customers, and (3) interference with the Citizens' right to counsel.

3. In a separate pleading filed on March 12, 1996, the same parties filed a request to schedule evidentiary hearings on the motion to dismiss. That pleading alleged that under the case of Jennings v. Dade County, 589 So.2d 1337, 1342 (Fla. 3d D.C.A. 1991), the movants were entitled to an evidentiary hearing on the motion. It further alleged that even though the Commission had already heard considerable evidence under oath from the public supporting portions of the motion to dismiss, it was necessary to serve subpoenas to compel the attendance of other witnesses at an evidentiary hearing.

4. In the prehearing statement filed by Citizens on March 26, 1996, Citizens identified each witness prefiling testimony in support of the Citizens' case. The prehearing statement also identified eight witnesses we intend to subpoena. The prehearing statement stated that the testimony of seven of these witnesses would address an issue concerning a mismanagement penalty. The testimony of remaining witness would address Southern States's acquisition policy and strategic plan.

5. Citizens have already taken the deposition of each of the eight witnesses to be subpoenaed. Staff was notified of each deposition ahead of time and allowed to participate, although staff asked virtually no questions at any of the depositions. Further, Citizens set up "meet-me" telephone lines for a number of depositions -- solely at the request of staff -- so that staff would not have to travel to Apopka, Florida, to attend the depositions in person.

6. The Commission staff may participate as a party in any proceeding. Staff's primary duty is to represent the public interest and see that all relevant facts and issues are clearly brought before the Commission for its consideration. Commission rule 25-22.026(3)¹

¹ In cases assigned to the Division of Administrative Hearings, staff is not a party in interest and has no substantial interests that may be affected by the proceeding. Commission staff's role before the Division of Administrative Hearings is to assist in developing evidence to ensure a complete record so that

7. Although the Commission has charged staff with representing the public interest and seeing that all relevant facts and issues are clearly brought before the Commission for its consideration, staff disregards that directive here by seeking to prohibit Citizens from presenting testimony of hostile utility witnesses. According to staff, because we did not prefile testimony from persons such as Jeff Sharkey (Southern States' paid lobbyist), John Cirello (Southern States' president), and Brian Armstrong (Southern States' general counsel), we should now be precluded from presenting these persons as subpoenaed witnesses at the hearing and questioning them about Southern States' misconduct.

8. It is preposterous for staff to claim that they do not have adequate notice of the subject matter of the testimony (staff request, page 2) or an indication of its purpose (staff request, page 2). If staff has read our motion to dismiss and our prehearing statement, they know the subject matter and the purpose of the testimony.

9. Citizens can not prefile testimony from these eight witnesses because we have no control over them. We will ask that all of the witnesses employed by Southern States or acting as their agent be considered hostile witnesses so that we may ask leading questions when they take the stand under subpoena. See section

all relevant facts and issues are presented to the fact finder. Commission rule 25-22.026(4).

90.612(3), Florida Statutes (1995).

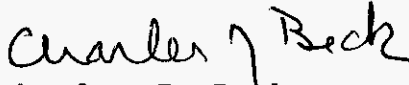
10. This action by the water and sewer staff contrasts sharply with the actions of telecommunications staff in the last Southern Bell rate case, docket 920260-TL. In that case telecommunications staff did not attempt to interfere with subpoenaed testimony from utility witnesses. In fact, a draft prehearing order for Chairman Clark, distributed just before the case settled, showed that over fifty witnesses subpoenaed by the Citizens were to appear without prefiling testimony. Copies of the first fourteen pages of that draft prehearing order are attached to this pleading.

11. Not even Southern States has gone so far as to claim that Citizens should not be allowed to cross examine their employees and lobbyist before the Commission without first prefiling their testimony. Water and wastewater staff should reevaluate its request in light of its stated role to ensure that all relevant facts and issues are clearly brought before the Commission for its consideration. The request of water and wastewater staff contradicts the role staff is supposed to play in this case and contradicts the actions of telecommunications staff in a case where far more utility witnesses were being called to testify under subpoena.

WHEREFORE, Citizens respectfully request the Prehearing Officer to deny staff's request to strike testimony of witnesses who have not prefiled testimony.

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

Attorneys for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 950495-WS**

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or *hand-delivery to the following party representatives on this 15th day of April, 1996.

Ken Hoffman, Esq.
William B. Willingham, Esq.
Rutledge, Ecenia, Underwood
Purnell & Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32302-0551

*Lila Jaber, Esq.
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

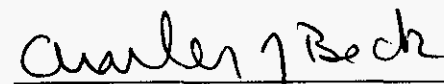
Brian Armstrong, Esq.
Matthew Feil, Esq.
Southern States Utilities
General Offices
1000 Color Place
Apopka, FL 32703

Michael B. Twomey, Esq.
P. O. Box 5256
Tallahassee, Florida
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Kjell W. Petersen
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P.O. Box 712
Marco Island, FL 33969

Arthur Jacobs, Esq.
Jacobs & Peters, P.A.
Post Office Box 1110
Fernandina Beach, FL
32035-1110

Larry M. Haag, Esq.
County Attorney
111 West Main Street
Suite B
Inverness, Florida 34450



Charles J. Beck
Deputy Public Counsel

DRAFT - January 4, 1994

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL.)	DOCKET NO. 920260-TL
)	
)	
)	
)	
In Re: Investigation into the integrity of SOUTHERN BELL's repair service activities and reports.)	DOCKET NO. 910163-TL
)	
)	
)	
)	
In Re: Investigation into SOUTHERN BELL's compliance with Rule 25-4.110(2), F.A.C., Rebates.)	DOCKET NO. 910727-TL
)	
)	
)	
)	
In Re: Show cause proceeding against SOUTHERN BELL for misbilling customers.)	DOCKET NO. 900960-TL
)	
)	
)	
)	
In Re: Request by Broward Board of County Commissioners for extended area service between Ft. Lauderdale, Hollywood, North Dade, and Miami.)	DOCKET NO. 911034-TL ORDER NO. ISSUED:
)	
)	
)	

Pursuant to Notice, Prehearing Conferences were held on December 20, 1993, and January 6, 1994, in Tallahassee, Florida, before Commissioner Susan F. Clark, as Prehearing Officer.

APPEARANCES:

R. DOUGLAS LACKEY, Esquire, and NANCY B. WHITE, Esquire, 675 West Peachtree Street, Suite 4300, Atlanta, Georgia 30375 and HARRIS R. ANTHONY, Esquire, c/o Marshall M. Criser, III, 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301
On behalf of BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company.

CHARLES J. BECK, Deputy Public Counsel, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400
On behalf of the Citizens of the State of Florida.

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MICHAEL A. GROSS, Assistant Attorney General, Department of Legal Affairs, Special Projects, PL-01 The Capitol, Tallahassee, FL 32399-1050

On behalf of the Attorney General of the State of Florida.

DONALD L. BELL, Esquire, 104 East Third Avenue, Tallahassee, Florida 32303

On behalf of The American Association of Retired Persons.

MICHAEL W. TYE, 106, East College Avenue, Suite 1410, Tallahassee, Florida 32301

On behalf of AT&T Communications of the Southern States, Inc..

ROBERT HOEYNCK, Assistant County Attorney, Broward County Board of Commissioners, 115 South Andrew Avenue, Suite 423, Fort Lauderdale, Florida 33301

On behalf of Broward County Board of Commissioners.

PETER Q. NYCE, JR., General Attorney, Regulatory Law Office, Office of The Judge Advocate General, U.S. Army Litigation Center, 901 North Stuart Street, Suite 400, Arlington, Virginia 22203-1837

On behalf of The United States Department of Defense/Federal Executive Agencies.

DAN B. HENDRICKSON, Post Office Box 1201, Tallahassee, Florida 32302 and MONTE E. BELOTE, Executive Director, Florida Consumer Action Network, 4100 West Kennedy Boulevard, #128, Tampa, Florida 33609-2243

On behalf of Florida Consumer Action Network.

LAURA L. WILSON, Regulatory Counsel, 310 North Monroe Street, Post Office Box 10383, Tallahassee, Florida 32302

On behalf of Florida Cable Television Association, Inc..

VICKI GORDON KAUFMAN, Esquire, McWhirter, Reeves, McGlothlin, Davidson & Bakas, 315 South Calhoun Street, Suite 716, Tallahassee, Florida 32301 and JOSEPH P. GILLAN, J.P., Gillan & Associates, Post Office Box 541038, Orlando, Florida 32854-1038

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On behalf of The Florida Interexchange Carriers Association.

BENJAMIN H. DICKENS, Blooston, Mordkofsky, Jackson & Dickens, 2120 L Street, N.W., Suite 300, Washington, D.C. 20037 and DOUGLAS S. METCALF, Class B Practitioner, Communications Consultants, Inc., 631 South Orlando Avenue, Suite 250, Post Office Box 1148, Winter Park, Florida 32790-1148

On behalf of Florida Ad Hoc Telecommunications Users' Committee.

KENNETH A. HOFFMAN, Esquire, Messer, Vickers, Caparello, Madsen & French, P.A., Post Office Box 1876, Tallahassee, Florida 32303-1876

On behalf of Florida Pay Telephone Association, Inc.

FLOYD R. SELF, Esquire, Messer, Vickers, Caparello, Madsen & French, P.A., Post Office Box 1876, Tallahassee, Florida 32303-1876

On behalf of McCaw Cellular Communications of Florida, Inc..

RICHARD D. MELSON, Esquire, Hopping, Boyd, Green & Sams, Post Office Box 6526, Tallahassee, Florida 32314 and MICHAEL J. HENRY, MCI Telecommunications Corporation, 780 Johnson Ferry Road, Suite 700, Atlanta, Georgia 30342

On behalf of MCI Telecommunications Corporation.

C. EVERETT BOYD, JR., Esquire, Ervin, Varn, Jacobs, Odom & Ervin, Post Office Drawer 1170, Tallahassee, Florida 32302 and CHANTHINA R. BRYANT, Esquire, Sprint, 3065 Cumberland Circle, Atlanta, Georgia 30339

On behalf of Sprint Communications Company Limited Partnership.

ANGELA B. GREEN, Esquire, TRACY HATCH, Esquire, ROBERT PIERSON, Esquire, and JEAN WILSON, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863

On behalf of the Commission Staff.

PRENTICE P. PRUITT, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0862

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On behalf of the Commissioners.

PREHEARING ORDER

I. CASE BACKGROUND

This docket was initiated pursuant to Order No. 25552 in Docket No. 911109-TL, to conduct a full revenue requirements analysis and to evaluate the Rate Stabilization Plan under which BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) has been operating since 1988. Order No. 25552 required that the Company file Minimum Filing Requirements (MFRs) on May 1, 1992. This was done; however, the Company notified the Commission in its test year request letter of March 25, 1992, that it would not be submitting its testimony or proposals at the time of the MFR filing. The Chairman subsequently approved a revised case schedule that required Southern Bell to submit its testimony and updated MFRs by July 15, 1992. The Company, in a letter dated April 10, 1992, waived the eight and twelve statutory time periods, and also agreed that all decisions in this case would be effective January 1, 1993.

As a result of the revised case schedule, hearings were set to begin January 25, 1993. Service hearings were held throughout Southern Bell's territory. During the January 8, 1993, Prehearing Conference, it was announced that the hearings in Docket No. 920260-TL were being rescheduled to begin during March, 1993.

Order No. PSC-92-1195-PCO-TL established the prehearing procedures for Docket No. 920260-TL. Order No. PSC-92-1320-PCO-TL, an additional order on prehearing procedure, stated that evidence relating to Dockets Nos. 900960-TL, 910163-TL, and 910727-TL would not be incorporated in the main hearings to be held in Docket No. 920260-TL. Rather, evidence relating to those dockets would be heard during hearings already scheduled for those dockets in April, 1993. Subsequently, the Commission voted to consolidate these four dockets for decisional and appellate purposes. See Order No. PSC-93-0390-FOF-TL.

During a motion hearing on March 5, 1993, the Commission voted to grant the Office of Public Counsel's (OPC's) Motion to Postpone Hearings. OPC's Motion pointed to numerous discovery disputes which have required a considerable period of time to resolve,

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including a number which have gone to the Florida Supreme Court for review. OPC asserted that such discovery was critical to preparation of its case. The Attorney General of the State of Florida supported OPC's Motion. The Commission's decision on OPC's Motion is reflected in Order No. PSC-93-0575-FOF-TL and resulted in rescheduling the hearings for these dockets to begin January 24, 1994, and to continue for approximately five weeks. The Company was directed to refile its MFRs by July 2, 1993. Service hearings have again been held throughout Southern Bell's territory.

Because the hearings had been postponed, the question then arose as to whether the revenues identified in Docket No. 880069-TL for permanent disposition in this proceeding should be revisited. By Order No. PSC-93-0588-FOF-TL, issued April 15, 1993, the Commission granted Southern Bell's Motion to Reinstitute Customer Credit. This action prevents accumulation of revenues, while reserving the decision for final disposition of revenues until after all of the evidence has been heard.

By Order No. PSC-93-1301-FOF-TL, issued September 8, 1993, the Commission determined it was appropriate to consolidate Docket No. 911034-TL into Docket No. 920260-TL. The Commission took this action in order to provide the hearing requested by the Florida Interexchange Carriers Association in the most expeditious fashion. The Commission also directed Southern Bell to conduct new traffic studies on the routes included in this docket.

The Order Establishing Procedure in these dockets was issued April 23, 1993 (Order No. PSC-93-0644-PCO-TL). This has been modified by the following orders: PSC-93-0921-PCO-TL, issued June 17, 1993; PSC-93-1538-PCO-TL, issued October 20, 1993; PSC-93-1567-PCO-TL, issued October 26, 1993; PSC-93-1725-PCO-TL, issued December 1, 1993; PSC-93-1726-PCO-TL, issued December 1, 1993; and PSC-93-1780-PCO-TL, issued December 13, 1993.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of

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confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 366.093, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

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- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Commission Clerk's confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than _____ pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties and Staff has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity

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to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

The following parties have requested that they be allowed to make opening statements and these requests shall be granted: BellSouth Telecommunications, Inc., D/B/A Southern Bell Telephone and Telegraph Company; Office of Public Counsel; Attorney General of the State of Florida; AT&T Communications of the Southern States, Inc.; Florida Consumer Action Network; The Florida Interexchange Carriers Associations; Florida Ad Hoc Telecommunications User's Committee; Florida Pay Telephone Association, Inc.; MCI Telecommunications Corporation; and Sprint Communications Company Limited Partnership. However, the parties shall be limited to a maximum of ten minutes apiece for such opening statements.

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
Joseph A. Lacher	SO. BELL	39, 201, 204, 205, 206, 301, 303, 304, 305, 306, 307, 309, 310, 401, 402, 403, 404
Walter S. Reid	SO. BELL	1, 2-8, 11-12, 14-14d, 15-15w, 16, 17e, 17h, 17j, 17l, 17o, 18-22 24-24d
Nancy H. Sims	SO. BELL	27-38b
William B. Keck	SO. BELL	10,13

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Wayne Tubaugh SO. BELL 39, 39a, 304

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
Randall S. Billingsley	SO. BELL	9
John D. McClellan	SO. BELL	23
David B. Denton	SO. BELL	25a-26
Robin Madden	SO. BELL	201-206
April D. Ivy	SO. BELL	301, 305
Mark Cooper	OPC	206
James W. Currin	OPC	3, 19
Thomas C. DeWard	OPC	1, 2, 6-6b, 8, 14, 14b, 14d-15, 15b-g, 15i-v, 15x-16, 17d, 18a-21, 21b-c, 24c
Kimberly H. Dismukes	OPC	15w, 17-17a, 17e-t
R. Earl Poucher	OPC	25a-26, 201-217, 301-310, 401-404, 39
James A. Rothschild	OPC	9, 13
Steve Stewart	OPC	15p, 25a
Mike Maloy	ATTY. GEN.	25a, 25b, 26, 201-207, 301-310, 401-404, 39, 39a
Mike Guedel	AT&T	24c, 28, 29
John P. Spooner, Jr.	AT&T	24c, 29, 32a
Harry Gildea	DOD/FEA	???????????
Mark A. Cicchetti	FCTA	9, 10, 25a, 25b, 26

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Joseph P. Gillan FIXCA 2, 2b, 8, 19, 24c, 25b,
26, 28a, 28c, 29, 32a

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
Douglas S. Metcalf	FLA AD HOC	???????????
Nina W. Cornell	MCI	26
Don Wood	MCI	28
Fred I. Rock	SPRINT	14c, 29
Tim Devlin	Staff	14d, 15l, 17, 17a-c, 17e-j, 17m, 17o-p, 21b
David E. Dismukes	Staff	28a-b, 34
Elton Howell	Staff	301, 302, 306, 309, 401b, 401c
Donald B. McDonald	Staff	39, 39a
Ronald D. Neil	Staff	9
Costas Panagiotopoulos	Staff	2a
Nancy Pruitt	Staff	39
Mary Rose Sirianni	Staff	15p-q
Carl S. Vinson, Jr.	Staff	201, 205, 206, 301, 303, 304, 306, 307, 309, 310, 402
Ruth Young	Staff	15a
Kathy Welch	Staff	15c-d, 15p, 15r
<u>REBUTTAL</u>		
Joseph P. Lacher	SO. BELL	26, 39, 201, 204, 205, 206, 301, 303, 304, 305, 306, 307, 309,

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		310, 401, 403, 404
Gary M. Hoeltke	SO. BELL	39, 403
C. J. Sanders	SO. BELL	39, 301-310, 403
<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
C. L. Cuthbertson	SO. BELL	205, 305, 402
April Ivy	SO. BELL	301, 305, 402
A. Wayne Tubaugh	SO. BELL	39, 39a, 304, 308
Jerry Moore	SO. BELL	301, 302, 305, 306, 308
Linda C. Isenhour	SO. BELL	301, 303, 305, 306, 307, 402
Michael T. Dowdy	SO. BELL	301
Robin Madden	SO. BELL	201-206, 402
Dr. Barton Weitz	SO. BELL	206, 402
William P. Zarakas	SO. BELL	26
David Sappington	SO. BELL	25a, 25b, 26
Calvin S. Monson	SO. BELL	26
Randall S. Billingsley	SO. BELL	9, 13
William B. Keck	SO. BELL	10, 13
<u>REBUTTAL</u>		
H. E. Gray	SO. BELL	2b
Aniruddha Banerjee	SO. BELL	34
Walter S. Reid	SO. BELL	1, 2-8, 11-14, 14e, 15-17, 17d, 17h, 17i, 17l, 17m, 17t, 18-22,

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<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
		24-24d
Edward L. Delahanty	SO. BELL	15
Jerry L. Wilson	SO. BELL	17, 17b, 17c, 17j, 17o, 17p, 17q, 17s, 17t
Stephen P. Budd	SO. BELL	17, 17a, 17e, 17f, 17g, 17k, 17o
Bradford J. Branch	SO. BELL	17j, 17r
Nancy H. Sims	SO. BELL	27-38b
Joseph P. Gillan	FIXCA	

NOTE: Southern Bell's rebuttal testimony to the Staff's "NARUC", WASSP and CPR audits is presently due to be filed on January 4, 1993. Southern Bell will be amending its Prehearing Statement once this testimony is filed.

Subpoenaed Witnesses

OPC

OPC has subpoenaed the following witnesses to appear beginning Wednesday, February 2, 1994:

C. L. Cuthbertson
C. J. Sanders
James Powell
Michael Mann
Evelyn Kilgore
Katherine Roberts
Brenda E. Mitchell
Robert Herndon
Michael Jansen
Jerry Sontag
John Sainz
Paul White
Gary Maser
Nicole Maxfield

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Shirley Johnson
Gary Swilley
Larry W. Mixon, Jr.
Shelba S. Hartley

OPC has subpoenaed the following witnesses to appear beginning
Monday, February 7, 1994:

Martha Thomas
Mr. Denny Conners
Howard Adams, Jr.
Cynthia Armel
James Ramsey
Marsha Stewart
Wanda Futch
Nancy Gorniewicz
Linda Hunt
Donna Johnson
Glovine Williams
Derrell R. Wilcox
Barbara Wichman
Judith Rote
Ivan Roberts
Linda G. Moniz
Robert Minahan
Denise E. Crosby
Andrew J. Walker, III
Lawrence Potish
Allen McKeand
Maria D. Lee
Michael Jones
Annie Bush
Veronica Brady
Helen C. Vought
Crystal Smith
Betty Moore
Susan Eckhoff
Mary Dunn
Peter Murray
Mark Sheaf
Geraldine H. Littles
JoAnne Knowles

ORDER NO.

DOCKETS NOS. 920260-TL, 910163-TL, 910727-TL, 900960-TL, 911034-TL

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Mr. Don LaRotonda
Susan Castro

ATTY. GEN.

ATTY. GEN.'s Office may subpoena the following witnesses:

Shirley Perring
Robert Rupe
John E. Bulko
Hampton Booker
Melanie Davis
Michael Jansen
James Powell
David E. Bailey
Edward B. Olsen
Donald Babair
James H. Ramsey
Harry Van Gordon
Robert Fecht
Martha Thomas

V. BASIC POSITIONS

BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY (SO. BELL): In adopting Southern Bell's Rate Stabilization Plan in 1988, the Florida Public Service Commission provided Southern Bell with enhanced incentives to operate with greater efficiency and creativity. This Commission created a framework for the sharing of earnings between Southern Bell and its subscribers in those instances in which greater efficiency resulted in greater Company earnings. The plan has helped to eliminate the economic disincentives inherent in traditional rate of return regulations, encouraged efficient performance by Southern Bell, and created additional incentive for Southern Bell to reduce costs and introduce new services.

Southern Bell is proposing that the Commission continue with the current form of regulation. The reasons for which the