

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Tariff Filing by)	DOCKET NO. 890505-TL
Southern Bell Telephone and Telegraph)	ORDER NO. 22488
Company to restructure and reprice)	ISSUED: 2-1-90
private line and special access services)	
and to waive nonrecurring charges for)	
high capacity services.)	

ORDER GRANTING PUBLIC COUNSEL'S MOTION TO COMPEL
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
TO RESPOND TO INTERROGATORIES

Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed, on March 31, 1989, revisions to its Access and Private Line Tariffs which restructure both private line and special access line services. On August 25, 1989, the Office of Public Counsel (Public Counsel) served its Citizens' Set of Interrogatories to Southern Bell Telephone and Telegraph Company, a second set of interrogatories although not designated as a second set. These interrogatories requested that Southern Bell provide information regarding the private line and special access rate increases and the switched access rate decreases using 1989 as a base period without accounting for price elasticity of demand; the same information using a 1990 base year for both calculations; and, finally, the same information for both 1989 and 1990 except taking into account the price elasticity of demand and cross elasticity of demand. In response, Southern Bell filed its Response and Objections to Public Counsel's Interrogatories on September 29, 1989. In its Response, Southern Bell objected to all three interrogatories on the grounds of it being unduly burdensome and oppressive to respond to these questions since none of this information currently exists in this format.

On October 10, 1989, Public Counsel filed its Motion to Compel Southern Bell to answer its interrogatories stating that Southern Bell had neither estimated the amount of time and expense it would take to provide this information nor had the Company explained why it had filed this tariff without flowing ". . . through any rate increases with properly matched, offsetting rate decreases.". On October 23, 1989, Southern Bell filed its Response to Public Counsel's Motion to Compel stating that to respond to Public Counsel's interrogatories would require the Company to do research and create schedules

DOCUMENT NUMBER-DATE

01036 FEB-1 1990

FDSC-RECORDS/REPORTING

ORDER NO. 22488
DOCKET NO. 890505-TL
PAGE 2

which are not presently in existence. To require the Company to do this would be improper, the Company asserts, because the case law has held that a party may not be required to do research or to do investigation by interrogatories. In addition, Southern Bell estimates that it would require approximately 60 days and the work of 20 employees to prepare the schedules in question. The Company also asserts that such an extensive amount of work is not necessary to assure that the increase in private line/special access revenues is completely offset by a reduction in rates for other services.

Based upon our review of the pleadings, we find that the information sought by Public Counsel not only is appropriate, but that it would also be useful for this Commission in its assessment of the appropriateness of the private line/special access rate increases proposed by Southern Bell. A tariff filing of this magnitude warrants the expenditure of a reasonable amount of time and money on the part of the Company and it causes some concern that this information was not developed in the Company's preparation of this filing. Therefore, we hereby order Southern Bell to answer Public Counsel's interrogatories in the next 45 days. We encourage the Company to prepare this information in as efficient a manner as possible to limit its expenses.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company shall respond to Public Counsel's Interrogatories within 45 days of the issuance of this Order.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 1st day of FEBRUARY, 1990.

John T. Herndon
JOHN T. HERNDON, Commissioner
and Prehearing Officer

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ORDER NO. 22488
DOCKET NO. 890505-TL
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.