

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Public Counsel )	DOCKET NO. 900023-TL
regarding tariff filing by SOUTHERN )	
BELL TELEPHONE AND TELEGRAPH COMPANY )	ORDER NO. 23629
to adjust existing custom calling )	
services within authorized rate bands.)	ISSUED: 10-18-90
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL MCK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

ORDER GRANTING IN PART SOUTHERN BELL'S MOTION FOR RECONSIDERATION

BY THE COMMISSION:

On August 1, 1989, Southern Bell Telephone and Telegraph Company (Southern Bell) filed a tariff proposal to adjust existing Custom Calling Services rates within their approved rate bands. Docket No. 891039-TL was established to process that tariff filing. On August 16, 1989, the Public Counsel filed a Request for Hearing and its First Request for Production of Documents. In its First Request for Production of Documents, Public Counsel requested that Southern Bell produce its commitment view and planning view of its earnings for 1989 and 1990, each document relating to the effect on its earnings of any rate increases it is planning for 1989 or 1990, and each document relating to the price elasticity of demand for Custom Calling Services. Southern Bell objected, on September 20, 1989, to providing its 1989 and 1990 commitment and planning views on the basis that these are irrelevant to this proceeding. Southern Bell also objected to providing information regarding contemplated rate increases on the same grounds. In its Second Request for Production of Documents, Public Counsel requested that Southern Bell produce documents relating to its reasons for filing this tariff and documents relating to the effect of this tariff filing on Southern Bell's projected earnings, its commitment and planning views, its

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current best view and any updates, revisions or evaluations of any of its views. On October 6, 1989, Southern Bell filed its Response and Objections to Public Counsel's Second Request for Production of Documents in which it objected to producing documents relating to the effect of this tariff filing on its projected earnings and its various commitment and planning views on the basis that these documents are irrelevant to this proceeding.

This docket, Docket No. 900023-TL, was established January 1990, to process Public Counsel's Request for Hearing as a Complaint. By Order No. 22777, the Prehearing Officer ordered Southern Bell to produce the documents that were the subject of Public Counsel's Motions to Compel filed on October 10, 1989, and October 11, 1989, regarding the Requests for Production filed August 16, 1989, and September 1, 1989, and subsequently reiterated January 16, 1990. By that Order, the Prehearing Officer found that those documents are relevant to the issues involved in this proceeding.

Subsequently, on April 16, 1990, Southern Bell requested reconsideration of Order No. 22777. After filing its motion for reconsideration, Southern Bell agreed to produce the documents requested by Public Counsel with the exception of data setting forth information from Southern Bell's operations in states other than Florida and its nonregulated operations. In view of Southern Bell's commitment to produce the documents in question with the above-noted exceptions, Southern Bell's motion for reconsideration is granted to the extent that it will not have to produce the excepted documents.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, in view of Southern Bell's agreement to produce the documents requested with certain exceptions, Southern Bell's motion for reconsideration is granted in part as set forth in the body of this Order.

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By ORDER of the the Florida Public Service Commission,  
this 18th day of OCTOBER, 1990.

STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SFS

by: Kay Flynn  
Chief, Bureau of Records

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.