

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.) DOCKET NO. 920260-TL) FILED: 07/16/93)))

STAFF'S RESPONSE TO BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S AMENDED MOTION TO EXTEND RESPONSE TIME

The Staff of the Florida Public Service Commission hereby responds to BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's (Southern Bell's or the Company's) Amended Motion to Extend Response Time.

1. On July 9, 1993, Southern Bell filed a Motion to Extend Response Time. On July 14, the Company filed an amended version of its Motion.

2. In support, Southern Bell's Motion essentially states the following:

Since the beginning of audit on October 26, 1992, the Staff's Auditors have made 616 audit data requests covering the Company's business operations and its relationships with its affiliates.

Between June 29, 1993, and July 2, 1993, the Staff's Auditors have made 135 (195 including subparts) audit data requests.

The five-day response time required by Order No. 93-0424-FOF-TL is insufficient to provide full and complete substantive responses to the volume of requests for information. The Amended Motion noted that the recent audit request provided 12 days to respond.

The Staff's Audit is not really an audit but is really discovery.

94 (not including subparts) of the Audit information requests are virtually identical to interrogatories and document requests served on South Central Bell in a Louisiana audit which were prepared by outside

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

STAFF'S RESPONSE TO BELLSOUTH
TELECOMMUNICATIONS, INC. d/b/a
SOUTHERN BELL TELEPHONE AND
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consultants retained by the Louisiana Public Service Commission.

South Central Bell had 12 to 42 days to respond these requests in its proceeding in Louisiana.

Therefore, the Prehearing Officer should acknowledge that the audit team is engaged in far ranging and complex discovery and find that Southern Bell is entitled to the same time otherwise allowed for discovery in a disputed matter.

3. Devoid of all its verbiage, Southern Bell's Motion can be summed as: five days is not enough time to adequately respond to the volume of requests; therefore, declare that the NARUC Multistate Audit is not an audit and that the rules of discovery shall apply.

4. Southern Bell acknowledges that the five-day response time was instituted by the Commission in Order No. PSC-93-0424-FOF-TL. The Company also acknowledges that the response time can be extended by the Auditors. Southern Bell has not contacted the Audit Manager to discuss the response times or request additional time to respond. To that extent Southern Bell's Motion is premature.

5. More troubling is Southern Bell's insistence that the NARUC Audit is not an audit and that it be conducted pursuant to the rules of discovery. The Company states that "this process is not an audit within the generally accepted usage of that term, but rather discovery as that term is normally used in litigation." Southern Bell does not state how the NARUC Audit is different from the "typical" audit process other than to imply that the scope is somehow inappropriate and that the use of personnel from other states to aid in the work is similarly inappropriate. Both the scope of the NARUC Audit and the utilization of aid from other states personnel have be approved by the Commission. To the extent that this audit is atypical, it is due to the conditions imposed by Southern Bell under which the auditors are required to perform their tasks.

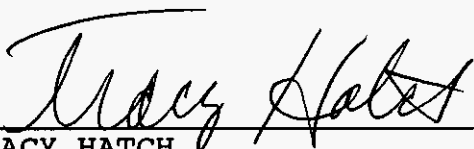
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6. The argument that the discovery rules should apply to the NARUC audit seems merely to be an attempt to have the Prehearing Officer reconsider that which has been previously considered and rejected by both the Prehearing Officer and the full Commission. The notion that the rules of discovery apply to staff audits was rejected by the Prehearing Officer in Order No. PSC-93-540-PCO-TL and upheld by the Commission in Order No. PSC-93-0812-FOF-TL. The Commission has made it abundantly clear to Southern Bell that the NARUC Audit was being conducted pursuant to the Commission's access to records under Section 364.183, Florida Statutes, and that the rules of discovery do not apply.

7. Until now, Southern Bell has never before been reticent in seeking to resolve questions regarding a reasonable amount of time to provide requested audit information informally between the affected individuals. Staff has always been willing to accede to reasonable requests for more time. Southern Bell's Motion does not appear to be directed simply at securing additional time to respond. It seeks to fundamentally alter the procedural parameters under which the Commission conducts its audits. Such a change is inappropriate.

WHEREFORE, the Staff of the Florida Public Service Commission requests that Southern Bell's request to extend the time to respond to the NARUC Audit information requests from five days to the time allowed for discovery requests be denied.

Respectfully submitted, this 16th day of July, 1993.



TRACY HATCH
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.)	DOCKET NO. 920260-TL
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In re: Show cause proceeding against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.)	DOCKET NO. 900960-TL
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In re: Petition on behalf of Citizens of the State of Florida to initiate investigation into integrity of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's repair service activities and reports.)	DOCKET NO. 910163-TL
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In re: Investigation into SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's compliance with Rule 25-4.110(2), F.A.C., Rebates.)	DOCKET NO. 910727-TL
)	FILED: 07/16/93
)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of STAFF'S RESPONSE TO BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S AMENDED MOTION TO EXTEND RESPONSE TIME have been furnished by U.S. Mail on this 16th day of July, 1993, to the following:

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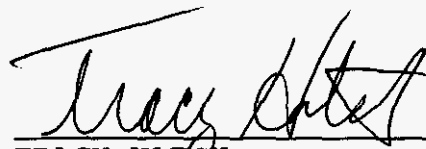
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