BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 91-624-C - ORDER NO. 92-95

FEBRUARY 12, 1992

IN RE: Frankie A. O'Cain, Complainant, vs. Southern Bell Telephone and Telephone Company, Respondent.	ORDER DENYING MOTIONS

This matter comes before the Public Service Commission of South Carolina (the Commission) on Southern Bell Telephone and Telegraph Company's (Southern Bell's) Motion to Quash or in the alternative, Motion for a Rule to Show Cause, dated February 3, 1992, in this Docket.

Southern Bell's Motion is based upon the fact that at the time of the Motion, fifteen subpoenas had been served on Southern Bell employees and it was anticipated that fifteen-plus more subpoenas had yet to be served by the Complainant. Southern Bell complains that the period of time necessary for thirty or more of Southern Bell's employees to travel to and from Columbia and testify at the hearing in this matter on March 5, 1992, would

totally destroy Southern Bell's ability to provide installation and maintenance service during the period of time required for the hearing both in Orangeburg and Barnwell workcenter areas. Southern Bell also claims that the number of subpoenas served constituted harassment and, for both reasons, all subpoenas should be quashed. In the alternative, Southern Bell requests that the Commission issue a Rule to Show Cause as to why the subpoenas should not be quashed. Again, Southern Bell cites the negative impact on service in certain areas.

The Commission has considered this matter and has decided that both Motions must be denied. First, Southern Bell complains about fifteen subpoenas that had not been served at the time of the Motion. The Commission cannot rule in advance on subpoenas that may or may not be served. Therefore, with regard to the subpoenas that had not been served at the time of the Motion, the Commission must summarily deny the Motions. With regard to the subpoenas that had been served at the time of the Motions, the Commission believes that the need for witnesses and the potentially relevant evidence that they may contribute outweighs the potential temporary termination of installation and maintenance service in the particular workcenter areas. Further, South Carolina Rule of Civil Procedure 45(g) is not applicable to the Commission.

THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion to Quash, or in the alternative, the Motion for a Rule to Show Cause are both denied.

2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Vice Chairman

ATTEST:

Executive Director

(SEAL)