

ORIGINAL
FILE COPY

David M. Falgoust
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July 24, 1990

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

RE: FPSC Docket No. 891194-TJ

Dear Mr. Tribble:

Enclosed are the original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to the Office of Public Counsel's Request for Production of Documents and Motion for Temporary Protective Order in the above-referenced docket. All parties of record have been served in accordance with the attached Certificate of Service.

A copy of this letter is enclosed. Please indicate on the copy that the original was filed and return the copy to me.

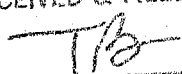
Sincerely,

David M. Falgoust

- ACK
- AFA
- APP
- CAF
- CML
- CTR
- EAG
- LEG
- LIN
- OPC
- RCH
- SEC
- WAS
- OTH

Enclosures

cc: N. R. Anthony
A. M. Lombardo
All Parties of Record

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
06648 JUL 24 1990
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 891194-TI

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 24th day of July, 1990
to:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings by)
SOUTHERN BELL TELEPHONE AND TELEGRAPH) Docket No. 891194-TI
COMPANY clarifying when a nonpublished) Filed: July 24, 1990
number can be disclosed and introducing ;
Caller ID to TouchStar Service)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
(1) RESPONSE AND OBJECTIONS TO THE OFFICE OF PUBLIC
COUNSEL'S REQUEST FOR PRODUCTION OF DOCUMENTS
AND (2) MOTION FOR TEMPORARY PROTECTIVE ORDER

COMES NOW Southern Bell Telephone & Telegraph Company
("Southern Bell"), pursuant to Rule 25-22.034, Florida
Administrative Code, and Rules 1.280 and 1.350, Florida Rules of
Civil Procedure, and files (1) its Response and Objections to the
Office of Public Counsel's ("Public Counsel") Request for
Production of Documents dated June 19, 1990 and (2) its Motion for
a Temporary Protective Order. With regard to the latter, several
of the documents to be produced in response to Request Number 5
contain proprietary confidential business information.
Consequently, Southern Bell herewith moves that the Commission,
pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006,
Florida Administrative Code, and Rule 1.280(c), Florida Rules of
Civil Procedure, enter a temporary protective order prohibiting

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Public Counsel from disclosing that proprietary confidential business information to be described with more specificity herein.

GENERAL RESPONSES AND OBJECTIONS

1. Southern Bell objects to Public Counsel's attempt to direct this Request for Production of Documents to BellSouth Corporation and BellSouth Services, Inc. Rule 1.350 of the Florida Rules of Civil Procedure states that "any party may request any other party (emphasis added) (1) to produce and permit the party making the request, or someone acting in his behalf, to inspect and copy any designated documents," Neither BellSouth Services, Inc. nor BellSouth Corporation has intervened or otherwise participated as a party in this proceeding. Furthermore, neither of these two companies is a telecommunications company as defined by 364.02, Florida Statutes. Consequently, the Florida Rules of Civil Procedure do not permit Public Counsel to direct a Request for Production of Documents to either BellSouth Corporation or BellSouth Services, Inc. As in earlier proceedings, to the extent that BellSouth Services, Inc. is an entity "acting on behalf of Southern Bell," Southern Bell will produce those documents in the possession, custody or control of BellSouth Services which are responsive to Public Counsel's Request, subject to the other general and specific objections contained herein. Moreover, to the extent Southern Bell has in

its possession, custody or control, BellSouth Corporation documents which are responsive to Public Counsel's Request, these documents will be produced subject to the general and specific objections contained in this pleading. However, neither entity may properly be treated as a party to this proceeding.

2. Southern Bell objects to producing any documents constituting an exchange of correspondence that would constitute an attorney-client communication which is privileged.

3. Southern Bell objects to Public Counsel's Request for Production of Documents to the extent that it seeks documents which are not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence relevant to the subject matter of this proceeding. Consistent with prior decisions of the Commission and in order to facilitate discovery in this proceeding, Southern Bell will produce, subject to the other objections contained herein, those documents which are responsive and which contain both relevant and irrelevant information, with the irrelevant information removed. In Southern Bell's view, no in camera review is necessary in this proceeding to determine the irrelevancy of data such as other states' costs. Nevertheless, if the Commission wants to do so, for the purpose of insuring that only irrelevant information has been removed, Southern Bell will produce the information which has been removed for an in camera inspection by the Commission.

4. Public Counsel's request directs that the documents be produced at its offices on Tuesday, July 23, 1990. The time allowed by law to respond does not expire until Tuesday, July 24, 1990, and Southern Bell objects to the time and place designated in the request. However, Southern Bell will agree to produce the responsive documents at a mutually agreeable time and place.

SPECIFIC RESPONSES AND OBJECTIONS

Subject to the foregoing general responses and objections, Southern Bell offers the following specific responses and objections to Public Counsel's Request for Production of Documents.

5. Southern Bell will produce for inspection and copying, at its offices in Tallahassee, the documents in its possession or subject to its control which are responsive to Public Counsel's requests numbers 1 through 5, with the exceptions noted in Paragraph 6 of this pleading.


6. With regard to Request Number 5, there are three documents which appear to be responsive, but which contain and constitute proprietary confidential business information. They are: (1) a study of CCS 7 supported record retrieval and ANI

applications; (2) a competitive analysis-record retrieval service; and (3) AT&T Network Systems and BellSouth Services' market research and analysis of Account Match. Each of these documents is related to the potential offering of a record retrieval service and to Account Match, a product of AT&T Network Systems. These documents contain market research to determine interest in such a product, including customer specific information, an analysis of competitive and cross-elastic products, the probable plans of competitors as well as possible deployment scenarios. As a result, Southern Bell requests that the Commission issue a Temporary Protective Order exempting these documents from Section 119.07 (1), Florida Statutes. Pursuant to Rule 25-22.006(5)(c), Southern Bell hereby offers to allow Public Counsel to inspect or take possession of these documents for the purpose of allowing Public Counsel to determine what information contained in these documents will be used at the hearing in this proceeding. Once Public Counsel determines the documents, if any, to be used by it at the hearing, Southern Bell will file a specific Request for a Protective Order as required by Paragraph (a) of Rule 25-22.006(5).


Respectfully submitted this 24th day of July, 1990.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

BY:


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BY:


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CERTIFICATE OF SERVICE

Docket No. 891194-TI

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