

2

NANCY B. WHITE
General Attorney

4300 Southern Bell Center
675 W. Peachtree Street
Atlanta, Georgia 30375
(404) 529-5387

April 24, 1992

ORIGINAL
FILE COPY

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

RE: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's First Request for Production of Documents and Response to its First Set of Interrogatories dated March 20, 1992, and Motion for a Temporary Protective Order which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

- ACK
- AFA
- APP _____
- CAF _____
- CMU
- CTR _____
- EAG _____
- LEG Enclosures
- LIN cc: All Parties of Record
- OPC _____
- RCH _____
- SEC
- WAS _____
- OTH _____

Sincerely yours,

Nancy B. White
Nancy B. White

RECEIVED & FILED

10F
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04094 APR 24 1992

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 24th day of April, 1992 to:

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Angela Green
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Nancy B White

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of) Docket No. 920260-TL
the Revenue Requirements and Rate)
Stabilization Plan of Southern) Filed: April 24, 1992
Bell Telephone and Telegraph)
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, (1) pursuant to Rule 25-22.034, Florida Administrative Code, and Rules 1.280(c) and 1.350 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") First Request for Production of Documents dated March 20, 1992, and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order. To the extent that any individual request might otherwise be the subject of a motion for a protective order other than pursuant to Rule 25-22.006(5)(c), this response may be considered as serving that purpose. See Slatnick v. Leadership Housing System of Florida, Inc., 368 So.2d 78 (Fla. 4th D.C.A. 1979).

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's definition of "you" and "your" as well as the definition of "Southern Bell". It appears that Public Counsel, through its definition of these words, is attempting to obtain discovery of information in the

DOCUMENT NUMBER-DATE
04094 APR 24 1992
FPSC-RECORDS/REPORTING

possession, custody, or control of entities that are not parties to this docket. Interrogatories may only be directed to parties, and any attempt by Public Counsel to obtain discovery from non-parties should be prohibited. See Rule 1.340, Florida Rules of Civil Procedure; Broward v. Kerr, 454 So.2d 1068 (4th D.C.A. 1984).

2. Southern Bell objects to Public Counsel's definition of "document" or "documents". Public Counsel's definition of these terms is overly broad and is objectionable pursuant to standards adopted in Caribbean Security Systems v. Security Control Systems, Inc., 486 So.2d 654 (Fla. App. 3rd District 1986). With regard to this objection, most of the documents to be produced by Southern Bell are necessarily summary documents since supporting work papers are scattered throughout the Company's multitude of locations. It is unreasonable, if not impossible, to collect all the documents that would be included within the scope of the definition given. Those documents will be made available for inspection by Public Counsel at their current locations.

3. Southern Bell does not believe it was Public Counsel's intent to require Southern Bell to produce again the same documents previously produced in other dockets, but to the extent it does, Southern Bell objects on the basis that such a request would be unduly burdensome, oppressive and unnecessary, and for these reasons is prohibited.

4. Southern Bell objects to Public Counsel's request on the basis that certain classes of documents requested are not

relevant to the subject matter of this proceeding. Rule 1.280, Florida Rules of Civil Procedure, state that "parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action for periods". At this point, the issues which may exist in this docket relate solely to Southern Bell's regulated earnings in Florida. Therefore, any and all data regarding Southern Bell's operations in other states as well as any unregulated services are not relevant to this proceeding and therefore are not be the proper subject of discovery. Consequently, where appropriate, Southern Bell will redact such irrelevant material from the documents produced.

5. Some of the documents that will be delivered to and reviewed by Public Counsel contain proprietary, confidential business information that should not be publicly disclosed. Thus, pursuant to the Commission's Rule on confidentiality, Rule 25-22.006(5)(c), Florida Administrative Code, Southern Bell moves the Prehearing Officer to issue a Temporary Protective Order exempting these documents from § 119.07(1), Florida Statutes. The proprietary documents in question include, but are not limited to, internal audits, financial information/forecasts, and information regarding competitive services. Once Public Counsel notifies Southern Bell that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will file in accordance with Rule 25-22.006, Florida Administrative Code, a detailed Motion for Protective Order

specifically addressing each of the documents identified.

6. Southern Bell objects to the specific time and place designated by Public Counsel for the production of documents for the reasons that the designation is not reasonable, but has no objection to producing the documents that are responsive and to which no other objection is made, at a mutually agreed upon time and place.

RESPONSES

7. Subject to the general objections, each of which is incorporated by reference into the specific responses made herein, Southern Bell responds to the individual numbered requests contained in Public Counsel's First Request for Production of Documents as follows:

A. In response to Request No. 1, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell will produce summary documents concerning monthly variances of actual financial performance compared to budgeted financial performance during 1991. In addition, if desired, the individual work papers and backup may be viewed at the locations where they are maintained at a mutually agreeable time and place.

B. In response to Request No. 2, Southern Bell states that the documents responsive thereto are the same documents that were produced in response to Request No. 1.

C. In response to Request No. 3, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody, or control.

D. In response to Request No. 4, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell will produce those summary documents it has regarding financial forecast through and including the end of 1994 in Florida. In addition, if desired, Southern Bell will produce for inspection and copying at a mutually agreeable time and place, those documents directly used in the preparation of the referenced financial forecasts.

E. In response to Request No. 5, Southern Bell states that the documents responsive thereto are part of the documents furnished in response to Request Nos. 3 and 14. In addition, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited.

F. In response to Request No. 6, Southern Bell objects on the grounds that most of the requested information is not relevant to this proceeding. In addition, the requested documents are voluminous and providing them would be unduly expensive and burdensome. However, subject to these objections, Southern Bell will produce a summary list containing the internal audits relative to Florida operations conducted since January 1, 1990. Southern Bell further objects to this request to the

extent it seeks documents covered by the attorney/client privilege or attorney work product privilege or both. Southern Bell will produce those audits that have information relevant to this proceeding at a mutually agreeable time and place.

G. In response to Request No. 7, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request No. 7.

H. In response to Request No. 8, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell will produce the findings of those audits that are complete. In addition, the data associated with ongoing audits can be reviewed at the locations where they are maintained at a mutually agreeable time.

I. In response to Request No. 9, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody, or control.

J. In response to Request No. 10, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell will produce those documents it has regarding earnings surveillance reports. In addition, Southern Bell will produce for inspection and copying at a mutually agreeable time and place, those documents directly used in the preparation of the referenced surveillance reports.

K. In response to Request No. 11, Southern Bell objects on the basis that this request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. Subject to these objections, however, Southern Bell will produce those summary documents it has regarding the Universal Service Fund in Florida. In addition, if desired, the workpapers, analysis, and backup data can be reviewed at the locations where they are maintained at a mutually agreeable time.

L. In response to Request No. 12, Southern Bell will produce, at a mutually convenient time and place, the responsive and materials it has in its possession, custody, or control. In addition, Southern Bell directs the Public Counsel to its response to Request No. 10.

M. In response to Request No. 13, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. Southern Bell cannot, with any reasonable certainty, produce each document that could or would be responsive to the request. Literally read, in conjunction with the definitions given, the request would require the production of every individual voucher in the Southern Bell region. If desired, the individual vouchers can be reviewed at the locations where they are maintained at a mutually agreeable time.

N. In response to Request No. 14, Southern Bell will produce, at a mutually convenient time and place the responsive materials that it has in its possession, custody or control.

O. In response to Request No. 15, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. Subject to these objections, however, Southern Bell will produce the summary documents that it has regarding the services it may offer. In addition, if desired, the individual workpapers, backup material, and analysis can be reviewed at the locations where they are maintained at a mutually agreeable time.

P. In response to Request No. 16, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. Subject to this objection, however, Southern Bell will produce those summary documents it has regarding the impact of IntraLata Competition on Toll Volumes or Toll Revenues. In addition, if desired, the Florida workpapers, backup material, and analysis related to Florida can be reviewed at the locations where they are maintained at a mutually agreeable time.

Q. In response to Request No. 17, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. Subject to this objection, however, Southern Bell will produce those summary documents it has regarding long range plans. In addition, if desired, the individual workpapers, backup material, and/or analysis can be reviewed at the locations where they are maintained at a mutually agreeable time.

R. In response to Request No. 18, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. Southern Bell, subject to this objection, will produce those summary documents it has regarding business restructuring plans. In addition, if desired, the individual workpapers, backup material, and/or analysis can be reviewed at the locations where they are maintained at a mutually agreeable time.

S. In response to Request No. 19, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

T. In response to Request No. 20, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

U. In response to Request No. 21, Southern Bell refers Public Counsel to its response to Request No. 10 and further states that it will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control. Southern Bell further objects to Request No. 21 on the basis that the response to the request is covered by the attorney/client and attorney work product privileges.

V. In response to Request No. 22, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

W. In response to Request No. 23, Southern Bell will

produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

X. In response to Request No. 24, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

Y. In response to Request No. 25, Southern Bell will produce, at a mutually convenient time and place, certain responsive materials it has in its possession, custody or control. Southern Bell will not produce certain responsive material on the basis that it is covered by the attorney/client or attorney work product privilege or both.

Z. In response to Request No. 26, Southern Bell will produce, at a mutually convenient time and place, certain responsive materials it has in its possession, custody or control. Southern Bell will not produce certain responsive materials which fall within the attorney/client or attorney work product privilege or both.

AA. In response to Request No. 27, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

BB. In response to Request No. 28, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request No. 28.

CC. In response to Request No. 29, Southern Bell will produce, at a mutually convenient time and place, the responsive material it has in its possession, custody or control.

DD. In response to Request No. 30, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

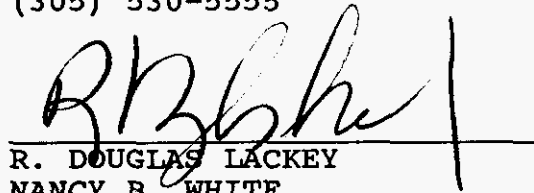
EE. In response to Request No. 31, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

Respectfully submitted this 24th day of April, 1992.

ATTORNEYS FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY


HARRIS R. ANTHONY

PHILLIP J. CARVER (22)
c/o Marshall M. Criser
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 530-5555


R. DOUGLAS LACKEY
NANCY B. WHITE
4300 Southern Bell Center
675 West Peachtree St., N.E.
Atlanta, Georgia 30375
(404) 529-3862
(404) 529-5387

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of) Docket No. 920260-TL
the Revenue Requirements and Rate)
Stabilization Plan of Southern) Filed: April 24, 1992
Bell Telephone and Telegraph)
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order in connection with its Responses to Office of Public Counsel's ("Public Counsel") First Set of Interrogatories dated March 20, 1992.

On April 24, 1992, Southern Bell filed its Response to Public Counsel's First Set of Interrogatories, portions of which are deemed to be confidential and proprietary by Southern Bell. Some of the documents that will be delivered to and reviewed by Public Counsel in connection with these responses to these interrogatories contain proprietary, confidential business information which should not be publicly disclosed. Thus, pursuant to the Commission's Rule on confidentiality, Rule 25-22.006(5)(c), Florida Administrative Code, Southern Bell moves that the Prehearing Officer issue a Temporary Protective Order exempting these documents from § 119.07(1), Florida Statutes. The proprietary information in question includes but is not limited to information concerning unregulated affiliates and

their revenues. Once Public Counsel notifies Southern Bell that any of the proprietary documents are to be used in a proceeding for the Commission, Southern Bell will file a detailed Motion for Protective Order specifically addressing each of the documents identified in accordance with Rule 25-22.006, Florida Administrative Code.

WHEREFORE, Southern Bell respectfully requests the Commission to grant its Motion for Temporary Protective Order in regard to its Responses to Public Counsel's First Set of Interrogatories dated May 17, 1992.

Respectfully submitted this 24th day of April, 1992.

ATTORNEYS FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY



HARRIS R. ANTHONY (22)
PHILLIP J. CARVER
c/o Marshall M. Criser
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 530-5555



R. DOUGLAS LACKEY
NANCY B. WHITE
4300 Southern Bell Center
675 West Peachtree St., N.E.
Atlanta, Georgia 30375
(404) 529-3862
(404) 529-5387