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ORIGINAL
FILE COPY

August 24, 1992

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 are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Florida Interexchange Carrier Association's First Request for Production of Documents and Motion for a Protective Order. Please file these documents 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 3

APP _____

CAF _____

CMU

Enclosures

EAG ~~cc: All Parties of Record~~

LEG 1 AKH M. Lombardo

LIN 6 H. R. Anthony

~~R. D. Lackey~~

OPD _____

RCH _____

SEC 1

WAS _____

OTH _____

Sincerely,

Sidney J. White, Jr.
Sidney J. White, Jr. (ps)

RECEIVED & FILED

JD
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09594 AUG 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 August, 1992 to:

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Sichery J. White, Jr.
(2)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate)
Stabilization Plan of Southern)
Bell Telephone and Telegraph)
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

Docket No. 920260-TL
Filed August 24, 1992

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SOUTHERN BELL'S RESPONSE AND OBJECTIONS TO
FLORIDA INTEREXCHANGE CARRIER ASSOCIATION'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND
MOTION FOR 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 Florida Interexchange Carrier Association's ("FIXCA") First Request for Production of Documents dated July 24, 1992, and (2) Motion for Protective Order.

GENERAL RESPONSE AND OBJECTIONS

1. 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).

2. Southern Bell objects to FIXCA's instruction relating to the details of privileged documents. To the extent production is objected to due to the privileged nature of documents, the information suggested by FIXCA would similarly be privileged and is therefore prohibited.

DOCUMENT NUMBER-DATE

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3. Southern Bell objects to the instruction as to information that is to be provided for any document not in the possession of Southern Bell. This request for an extensive narrative as to the "disposition" of these documents is not properly encompassed with a Request for Production, and is, further, unreasonable and burdensome.

4. Southern Bell objects to FIXCA'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. This objection relates, among other things, to documents which contain other states' information. 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.

5. Southern Bell objects to producing some of the documents requested by FIXCA on the basis that the documents sought contain proprietary and confidential business information regarding, among other things, Southern Bell's relationship with its vendors, market and competitive analyses, other competitively sensitive information, and information regarding competitive services provided by Southern Bell. Consequently, Southern Bell moves the Prehearing Officer to issue a Protective Order

directing that discovery not be had with respect to the proprietary and confidential business documents referenced more specifically herein, or that discovery only be had under certain conditions. Southern Bell would be willing to entertain negotiations regarding producing certain of these documents to the attorneys representing FIXCA upon the execution of an appropriate protective agreement.

SPECIFIC RESPONSES

6. In response to Request No. 1, Southern Bell did not refer to any documents not produced with its answers to FIXCA's First Set of Interrogatories. Therefore, there are no documents responsive to Item No. 1.

7. In response to Request No. 2, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

8. In response to Request No. 3, Southern Bell objects to this request as being overbroad, unduly burdensome and framed in a manner which would call for the discovery of other states' information and other irrelevant information. Further, some of the documents responsive to this request contain proprietary and confidential business information regarding Southern Bell's competitive responses to 1+ presubscription. Therefore, Southern Bell moves for a Protective Order as set forth herein. In the alternative, the Company would agree to negotiate an appropriate protective agreement controlling its production of proprietary and confidential documents which can reasonably be deemed to be

responsive. Upon the execution of a protective agreement, such documents in its possession, custody, or control could be made available for FIXCA's attorneys' review at a mutually convenient time and place.

9. In response to Request No. 4, Southern Bell objects to producing the documents requested on the basis that the correspondence between the Company and its vendors contains the details of proprietary and confidential business activity between a customer and its supplier, and further that certain of the information contained in those documents has been shared with Southern Bell pursuant to non-disclosure agreements with such vendors. Consequently, Southern Bell moves for a Protective Order as set forth herein directing that discovery not be had as to the documents requested in this Item, or that any production of such documents occur only after the execution of an acceptable protective agreement.

10. In response to Request No. 5, Southern Bell objects to this request on the basis that some of the documents responsive to this request contain proprietary and confidential business information relating to, among other things, specific prices and delivery schedules as well as the details of customer/vendor relationships between Southern Bell and its suppliers. Consequently, Southern Bell moves for a Protective Order as set forth herein directing that discovery not be had as to the proprietary and confidential business documents requested in this

Item, or that any production of such documents occur only after the execution of an acceptable protective agreement.

11. In response to Request No. 6, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

12. In response to Request No. 7, all documents responsive to this request were provided in response to Request No. 6.

13. In response to Request No. 8, Southern Bell has no documents responsive to this request.

14. In response to Request No. 9, Southern Bell objects to this request on the basis that some of the responsive documents contain proprietary and confidential business information related to, among other things, projected market share, cost, revenue and demand information, as well as general competitive analysis relating to intraLATA toll and private line services.

Consequently, Southern Bell moves for a Protective Order as set forth herein directing that discovery not be had as to the documents requested in this Item, or that any production of such documents occur only after the execution of an acceptable protective agreement.

15. In response to Request No. 10, Southern Bell objects to the request on the basis that it is overbroad, overly burdensome, and seeks documents not relevant to this docket. However, in an attempt to be responsive, Southern Bell will provide the documents which have been provided to Staff in this docket

relating to the extended calling plan described by Tony Lombardo in his pre-filed testimony.

16. In response to Request No. 11, Southern Bell objects to this request on the basis that it is overbroad and unduly burdensome, and some of the documents responsive to this request contain proprietary and confidential business information related to, among other things, toll, local, and access demand information, price elasticity information, and other competitive analysis. Consequently, Southern Bell moves for a Protective Order as set forth herein directing that discovery not be had as to the documents requested in this Item, or that any production of such documents occur only after the execution of an acceptable protective agreement.

17. In response to Request No. 12, the responsive documents are voluminous and will be produced in Atlanta, where such documents are currently maintained, at a mutually convenient time.

Respectfully submitted this 24th day of August, 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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