

SIDNEY J. WHITE, JR.
General Attorney

SEP 14 1992

Southern Bell Telephone
and Telegraph Company
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(404) 529-5094

FPSC RECORDS/REPORTING

September 14, 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. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Twenty-eighth Request for Production of Documents and Motion for Temporary Protective Order which we ask that you file in the above-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 to the parties shown on the attached Certificate of Service.

- ACK
- AFA _____
- APP _____
- CAF _____

Sincerely,

Sidney J. White, Jr.
Sidney J. White, Jr.

- CMU Enclosures
- CTR _____

- EAG cc: All Parties of Record
- LEG 1 w/m A. M. Lombardo
- LIN 6 H. R. Anthony
- R. D. Lackey

- OPD _____
- RCI _____
- SEC 1
- WAS _____
- OTH Kay

Kay

DOCUMENT NUMBER-DATE
10542 SEP 14 1992
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 14th day of September, 1992
to:

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

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

A handwritten signature in cursive script, appearing to read "J. White", with a horizontal line drawn through the middle of the signature.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida) Docket No. 910163-TL
to Initiate Investigation into)
Integrity of Southern Bell) Filed: September 14, 1992
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
TWENTY-EIGHTH REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR 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 Rule 1.350, Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") Twenty-eighth Request for Production of Documents dated August 10, 1992 and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order.

MOTION FOR TEMPORARY PROTECTIVE ORDER

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. If Public Counsel subsequently notifies Southern Bell that any of

DOCUMENT NUMBER-DATE

10542 SEP 14 1992

FPSC-RECORDS/REPORT...

the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will, in accordance with Rule 25-22.006, Florida Administrative Code, file a detailed motion for protective order specifically addressing each of the documents identified.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by Public Counsel would be similarly privileged and therefore not subject to discovery.

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.*, 46 So.2d 654 (Fla. App. 3rd Dist. 1986).

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

4. The following Specific Responses are given subject to the above-stated General Response and Objections.

SPECIFIC RESPONSES

5. In response to Request No. 1, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

6. 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.

7. In response to Request No. 3, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth herein. This document contains customer-specific information.

8. In response to Request No. 4, Southern Bell has no documents responsive to this request.

9. In response to Request No. 4(a), Southern Bell will produce a document containing the requested "corrected spelling" of the referenced individual's name.

10. In response to Request No. 5, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

11. In response to Request No. 6, Southern Bell is attempting in good faith to obtain documents responsive to this

request from the individual resident in South Florida, and more particularly, in Miami, Florida. However, due to the extreme situation existing in that area and the inability to locate the necessary individual, Southern Bell has not yet succeeded in securing these documents, if they exist at all. Southern Bell will continue to conduct a diligent inquiry for responsive documents.

12. In response to Request No. 6(a), Southern Bell is attempting in good faith to obtain the responsive document. However, to date, the Company has been unable to locate any individuals who have the requested "print out." If the document exists, Southern Bell will provide the document as soon as it can be found.

13. In response to Request No. 7, Southern Bell has no documents responsive to this request.

14. In response to Request No. 8, Southern Bell objects to this request on the basis that it calls for the production of documents that were generated at the direct request of, and under the general supervision of, attorneys for Southern Bell. These documents were developed in anticipation of litigation and were the basis upon which legal opinions were rendered to Southern Bell by its attorneys. Accordingly, Southern Bell objects to the production of these documents on the basis of the attorney-client and work product privileges.

15. In response to Request No. 9, Southern Bell objects because this request calls for the production of documents that

were generated at the direct request of, and under the general supervision of, attorneys for Southern Bell. These documents were developed in anticipation of litigation and were the basis upon which legal opinions were rendered to Southern Bell by its attorneys. Accordingly, Southern Bell objects to the production of these documents on the basis of the attorney-client and work product privileges.

16. In response to Request No. 10, Southern Bell objects to this request on the basis that it is unduly burdensome and oppressive and seeks the production of documents containing proprietary customer-specific information. However, in an attempt to be responsive, Southern Bell has compiled two (2) boxes of documents responsive to this request and will provide these for Public Counsel's review at a mutually convenient time and place subject to the Company's Motion for Temporary Protective Order set forth above. Also, if Public Counsel wishes to review more documents after this initial review, Southern Bell will make eighteen (18) additional boxes of documents available for review in Miami, Florida, where such documents are being maintained, also subject to the Motion for Temporary Protective Order.

17. In response to Request No. 10(a), Southern Bell objects to this request on the basis that it is unduly burdensome, oppressive and would cause unreasonable interference with the Company's business operations to respond to as framed. A special manual exercise would have to be performed to extract the


telephone numbers on all of the 9156 forms requested in the twenty (20) boxes of responsive documents to be produced in response to Request No. 10. In addition, the telephone numbers would then have to be manually entered into LMOS to extract the information requested in this document request. Also, these documents, if collected, would contain proprietary customer-specific information which would only be provided subject to the Motion for Temporary Protective Order.


18. In response to Request No. 11, Southern Bell does not have any additional documents that would not also be responsive to Request No. 10.

18. In response to Request No. 11(a), see Company's response to Request No. 10(a).

Respectfully submitted this 14th day of September, 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


HARRIS R. ANTHONY (2)
c/o Marshall M. Criser, III
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555


R. DOUGLAS LACKEY
SIDNEY J. WHITE, JR.
4300 Southern Bell Center
675 West Peachtree Street, N.E.
Atlanta, Georgia 30375
(404) 529-3862
(404) 529-5094