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September 21, 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 Public Counsel's Seventeenth Request for Production of Documents and Motion for Temporary 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.

Sincerely,

ACK
AFB
A
Signature: Sidney J. White, Jr.

Enclosures

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony
R. D. Lackey

CAF
CTR
EDG
LEG 1 w/m
LIN 6
OPD
ROB
SEC 1
WFS
OTH Kay

Signature: Jaw
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CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished
by United States Mail this 21st day of September, 1992 to:

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A handwritten signature in cursive script, appearing to read "J. J. White", with a horizontal line underneath the signature.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: September 21, 1992
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
SEVENTEENTH 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") Seventeenth Request for Production of Documents dated August 21, 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 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. These documents contain information on strategic and other business planning efforts regarding competitive interests. Such information is specifically included

as proprietary confidential business information pursuant to § 364.183, Florida Statutes. If Public Counsel subsequently notifies Southern Bell that any of 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. 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.

5. Southern Bell objects to Public Counsel's requests 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." 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 information concerning other companies (which, in addition to being irrelevant may also be proprietary) is not relevant to this proceeding and therefore is not the proper subject of discovery. Also, any and all data regarding Southern Bell's unregulated services, including inside wire, are not relevant to this proceeding and are not the proper subject of discovery.

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

SPECIFIC RESPONSES

7. In response to Request No. 237, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information relating to financial planning activities. Notwithstanding the above-stated objection, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place subject to the Company's Motion for Temporary Protective Order set forth above.

8. In response to Request No. 238, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

9. In response to Request No. 239, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

10. In response to Request No. 240, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information relating to the details of planned business strategies and forecasts of future markets. Notwithstanding the above-stated objection, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place subject to the Company's Motion for Temporary Protective Order set forth above.

11. In response to Request No. 241, see responsive documents Southern Bell already produced in response to Public Counsel's Sixth Request for Production of Documents, Item No. 20.

12. In response to Request No. 242, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information relating to planned new business opportunities and potential markets for those services. Notwithstanding the above-stated objection, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place subject to the Company's Motion for Temporary Protective Order set forth above.


13. In response to Request No. 243, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information relating to future market potential and strategies. Notwithstanding the above-stated objection, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place subject to the Company's Motion for Temporary Protective Order set forth above.


14. In response to Request No. 244, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information relating to future business strategies. Notwithstanding the above-stated objection, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and

place subject to the Company's Motion for Temporary Protective Order set forth above.

Respectfully submitted this 21st day of September, 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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