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October 12, 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 Twentieth Request for Production of Documents and Motion for Temporary Protective Order. Please file these documents 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 on the parties shown on the attached Certificate of Service.

- ACK \_\_\_\_\_
- AFA 3 \_\_\_\_\_
- APP \_\_\_\_\_
- CFP \_\_\_\_\_
- CPD \_\_\_\_\_
- CT \_\_\_\_\_
- Enclosures

Sincerely,

  
Sidney J. White, Jr.

- EAG \_\_\_\_\_
- cc: 11/12 All Parties of Record
- LEB 11/12 M. Lombardo
- LEH 6 H. R. Anthony
- R. D. Lackey
- OPD \_\_\_\_\_
- ROD \_\_\_\_\_
- SEL 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH Jan \_\_\_\_\_

DOCUMENT NUMBER-DATE  
11988 001 12 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 12th day of October, 1992 to:

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Motel Association

A handwritten signature in cursive script, reading "Sig White", with a horizontal line drawn underneath the name.

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: October 12, 1992  
Company (Formerly FPSC Docket )  
Number 880069-TL) )  
\_\_\_\_\_)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
TWENTIETH 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 Rule 1.350, Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") Twentieth Request for Production of Documents dated September 11, 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 or made available for review 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, among other things, financial and economic projections and trends, competitive analyses, market analyses, and other proprietary confidential business information. 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., 486 So.2d 654 (Fla. App. 3rd District 1986).

3. 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 possession, custody, or control of entities that are not parties to this docket. Requests for Production 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 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.

6. 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.

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

SPECIFIC RESPONSES

8. In response to Request No. 280, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

9. In response to Request No. 281, Southern Bell has no additional responsive documents that were not already produced in response to Public Counsel's Twelfth Request for Production of Documents, Item No. 158.

10. In response to Request No. 282, 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. 283, 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. 284, Southern Bell has no documents responsive to this request.

13. In response to Request No. 285, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. Also, see documents produced in response to Public Counsel's Twelfth Request for Production of Documents, Item No. 158.

14. In response to Request No. 286, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of economic and financial projections developed by the Company. Notwithstanding this objection, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

15. In response to Request No. 287, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. Also, see documents produced in response to Public Counsel's Twelfth Request for Production of Documents, Item No. 159.

16. In response to Request No. 288, Southern Bell has no documents responsive to this request.

17. In response to Request No. 289, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

18. In response to Request No. 290, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

19. In response to Request No. 291, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

20. In response to request No. 292, Southern Bell objects to the form of this request. In the request, Public Counsel alludes to a portion of Mr. Lombardo's prefiled testimony which



discusses the erosion of Southern Bell's intraLATA toll revenues in Florida. However, this testimony does not compare the Florida-specific intraLATA toll market with any other "Bell companies in other states", nor does it allude to any comparisons as suggested by Public Counsel. Consequently, Southern Bell objects to the characterization made of Mr. Lombardo's testimony as stated in the request. In addition, Southern Bell objects to the request because it calls for the production of proprietary confidential business information in the form of competitive analyses. Notwithstanding these objections, Southern Bell will produce documents in its possession, custody, or control that address competitive aspects of the Florida toll market subject to the Company's Motion for Temporary Protective Order set forth above.

21. In response to Request No. 293, Southern Bell objects to this request on the basis that it calls for the production of irrelevant information.

22. In response to Request No. 294, Southern Bell has no documents responsive to this request.

23. In response to Request No. 295, Southern Bell has no documents responsive to this request.

24. In response to Request No. 296, Southern Bell has no documents responsive to this request.

25. In response to Request No. 297, Southern Bell has no documents responsive to this request.

26. In response to Request No. 298, Southern Bell has no documents responsive to this request.

27. In response to Request No. 299, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

28. In response to Request No. 300, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.


29. In response to Request No. 301, Southern Bell has no documents responsive to this request.

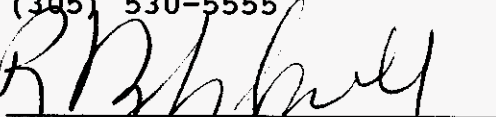
30. In response to Request No. 302, Southern Bell has no documents responsive to this request.

31. In response to Request No. 303, Southern Bell has no documents responsive to this request.

Respectfully submitted this 12th day of October, 1992.

SOUTHERN BELL TELEPHONE  
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