

SIDNEY J. WHITE, JR.
General Attorney

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

November 9, 1992

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

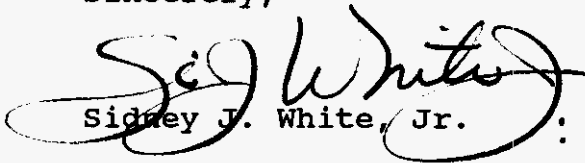
RE: Docket No. 910163-TL

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-Ninth Request for Production of Documents and Motion for 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,


Sidney J. White, Jr.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____

CTR Enclosures

- TAG ~~ccy~~ All Parties of Record
- LD 10/ma A. M. Lombardo
- 6 H. R. Anthony
- 6 R. D. Lackey

RECEIVED & FILED

DOCUMENT NUMBER-DATE

13136 NOV-9 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 9th day of November 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: November 9, 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-NINTH 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 Rule 1.350, Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") Twenty-Ninth Request for Production of Documents dated October 5, 1992 and (2) pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, its Motion for Protective Order.

MOTION FOR PROTECTIVE ORDER

Some of the documents requested by Public Counsel are privileged documents. Thus, pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, Southern Bell moves the Prehearing Officer to issue a Protective Order directing that discovery not be had with respect to these privileged documents. Southern Bell's specific response to Request No. 1 set forth herein further specifies the basis on which the documents are deemed to be privileged. Moreover,

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Public Counsel has previously requested the identical information, and Southern Bell has consistently asserted that these documents are privileged. See Southern Bell's Response and Objections to Public Counsel's Twenty-Seventh Request for Production of Documents, filed September 2, 1992, as it relates to Request No. 6.

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 "BellSouth". 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." This proceeding concerns Southern Bell's regulated operations in the State of Florida. Therefore, any and all data regarding Southern Bell's operations in other states, some information concerning other affiliated companies (which, in addition to being irrelevant may also be proprietary) and some information concerning Southern

Bell's unregulated services are not relevant to this proceeding and therefore 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. 1, Southern Bell objects to this request because it calls for the production of statements made by certain Company employees to Company investigators during the internal investigations of matters also being addressed in the docket. This investigation was specifically requested by the Legal Department. These statements were made to Company security personnel in anticipation of litigation regarding these matters 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 statements on the basis of the attorney-client and work product privileges. Southern Bell is presently unaware of any statements made by individuals other than those statements made directly to the attorneys or the Company security personnel in connection with the privileged security investigation initiated by the Legal Department.

9. In response to Request No. 2, Southern Bell has no documents responsive to this request.


10. In response to Request No. 3, Southern Bell has already produced the documents responsive to this request in response to Public Counsel's Twenty-Eighth Request for Production of Documents, Item No. 10.


11. In response to Request No. 4, 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. 5, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. Documents are not maintained for the 1985-1988 time period.

Respectfully submitted this 9th day of November 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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


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