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Southern Bell Telephone
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Suite 400
150 South Monroe Street
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(404) 529-5094

January 4, 1993

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

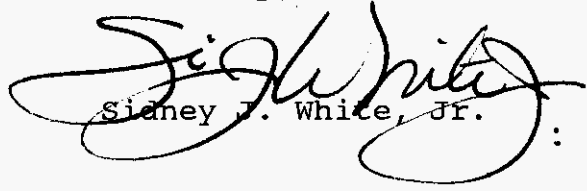
Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Thirty-Fourth Request for Production of Documents and Motions for Permanent and Temporary Protective Orders. Please file these documents in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the originals were filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

- ACK
- AFA
- APP
- CAF
- QMLI
- OTR
- ENC
- SEC
- WAS
- OTH

Sincerely,


Sidney J. White, Jr.

Enclosures

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

Kay Gaw

DOCUMENT NUMBER-DATE
00054 JAN-48
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 4th day of January, 1993 to:

Charles J. Beck
Assistant Public Counsel
Office of the Public Counsel
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 "Si White", written over a horizontal line.

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: January 4, 1993
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
THIRTY-FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTIONS FOR PERMANENT AND TEMPORARY PROTECTIVE ORDERS

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 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Thirty-Fourth Request for Production of Documents dated December 1, 1992; (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order; and (3) pursuant to Rule 1.280, Florida Rules of Civil Procedure, its Motion for Permanent Protective Order.

MOTIONS FOR PERMANENT AND TEMPORARY PROTECTIVE ORDERS

Some of the documents requested by Public Counsel in its Thirty-Fourth Request of Production of Documents are privileged documents. Specifically, Public Counsel has requested "KSRI audit" documents that contain substantive portions of the privileged KSRI investigatory audit commissioned and supervised by the legal department for Southern Bell. These documents are not subject to discovery based on the Attorney Client privilege

DOCUMENT NUMBER-DATE

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and Work Product Doctrine, or both. 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 Permanent Protective Order directing that discovery not be had with respect to these privileged documents. Southern Bell's specific response to Request No. 3 set forth herein also specifies the basis on which the documents are deemed to be privileged.

In addition, 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, employee personnel information unrelated to compensation, duties, qualifications, or responsibilities 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 Instruction requesting "... a description of the sequence or order of the documents..." being produced. Such a request is patently unreasonable. The "sequence or order" of documents being produced are readily apparent; therefore, Public Counsel's request for a narrative description of what can be easily determined based on a review of the documents themselves is unnecessary and objectionable.

3. 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).

4. 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 be directed only 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).

5. 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.

6. 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.

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

SPECIFIC RESPONSES

8. With respect to Request No. 1, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of personal employee-specific information unrelated to compensation, duties, qualifications, or responsibilities. 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.

9. With respect 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.

10. With respect to Request No. 3, 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 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. This request seeks the production of documents Southern Bell has consistently maintained to be privileged documents in this docket, and the Company incorporates by reference herein all arguments previously made in numerous motions and responsive pleadings made in support of the Company's consistent position relating to these documents (citations omitted).

11. With respect to Request No. 4, Southern Bell has no documents responsive to this request.

12. With respect to Request No. 4(a), see Southern Bell's response to Request No. 4.

13. With respect to Request No. 5, Southern Bell has previously produced the requested documents in response to Public

Counsel's Thirty-First Request for Production of Documents,
Request No. 1.

14. With respect 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.

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

16. With respect to Request No. 8(a), Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

17. With respect to Request No. 8(b), Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

18. With respect to Request No. 8(c), Southern Bell has no additional documents that were not already provided in response to Public Counsel's Thirty-Second Set of Interrogatories, Item No. 4.

19. With respect to Request No. 8(e), Southern Bell responds that the MTAS User Guide, which was previously produced in response to Public Counsel's Sixth Request for Production of Documents, Request No. 16, contains the responsive information sought in this request.

20. With respect to Request No. 8(f), Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

21. With respect to Request No. 9, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

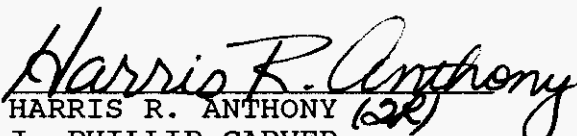
22. With respect to Request No. 10, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

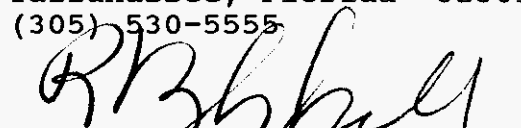
23. With respect to Request No. 11, Southern Bell has no documents responsive to this request.

24. With respect to Request No. 12, Southern Bell has no documents responsive to this request.

Respectfully submitted this 4th day of January, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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