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March 8, 1993

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

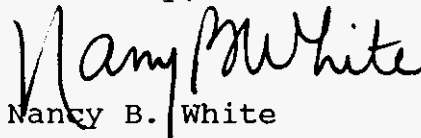
RE: Docket No. 920260-TL, 900960-TL, 910163-TL, 910727-TL

Dear Mr. Tribble:

Enclosed is an original and fifteen copies of a Southern Bell Telephone and Telegraph Company's Notice of Withdrawal of Objection and Motion for a Temporary Protective Order for its Responses to Public Counsel's Thirty-Sixth Production of Documents. Please file this document in the above-captioned dockets.

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,


Nancy B. White

Enclosures

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

DOCUMENT NUMBER-DATE

02583 MAR-88

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

Docket No. 920260-TL

Docket No. 900960-TL

Docket No. 910163-TL

Docket No. 910727-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 8th day of March, 1993 to:

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Tallahassee, FL 32399-0866

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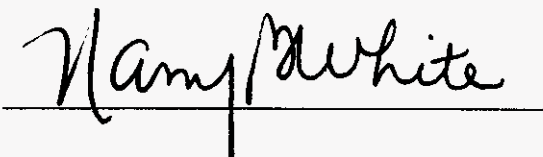
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Nancy White

5. Please provide all internal documents related to this docket written since January 1992 that were not previously provided. This includes any documents concerning disciplining of employees related to the company's internal investigation.
9. Please provide a copy of all internal and public documents dealing with the report of the Statewide Grand Jury and the settlement with the Statewide Prosecutor, including but not limited to news releases prepared by the company, briefings for higher management and notification of employees for retirees.

On January 28, 1993, Southern Bell objected to producing these documents on the basis of the attorney-client privilege and work product privilege doctrine.

2. Public Counsel subsequently moved to compel production of the document in its Fifteenth Motion to Compel filed February 24, 1993.

3. Southern Bell has recently reviewed Public Counsel's request, as well as the specific facts that relate to these documents and the circumstances under which they were created. On the basis of this review, Southern Bell has determined that the documents responsive to Request No. 9 are not and were not, in fact, protected by the attorney-client privilege or work product doctrine. Southern Bell has further determined that most of the documents responsive to Request No. 5 are not protected by the attorney-client privilege or work product doctrine. Accordingly, Southern Bell hereby gives

notice that it withdraws its previous objection to producing the responsive documents to Request No. 9, as well as a partial withdrawal of its previous objection to producing the documents responsive to Request No. 5.

4. This withdrawal of the objection is not a waiver of any privilege that may otherwise apply to any other document for which Southern Bell has asserted a privilege.

5. Southern Bell will produce the requested documents to Public Counsel and to that end, files its Motion for Temporary Protective Order to protect the proprietary confidential information contained therein.

6. Pursuant to the Florida Public Service Commission's ("Commission") 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 the data provided in Response to Request No. 5 from § 119.07(1), Florida Statutes. This information is entitled to confidential treatment because it contains employee names, business addresses, titles, business telephone number, and dates of employment, as well as discipline records. This information is clearly confidential and proprietary under Florida Statutes, § 364.183(f), which provides that "proprietary confidential business information" includes "employee personnel information unrelated to compensation, duties, qualification, or responsibilities."

7. The four areas of employee personnel information that are not, per se, confidential pursuant to § 364.183(f), Florida Statutes,

are compensation, duties, qualifications, and responsibilities of an employee. A common sense reading of this list, as well as a review of the definitions of these items as contained in Webster's Seventh New Collegiate Dictionary demonstrate that the employee information provided in response to Public Counsel's interrogatories do not fit any of the exceptions and thus are, per se, confidential under § 364.183(f), Florida Statutes.

8. A review of these terms, in the context of § 364.183(f), Florida Statutes, reveals their meaning. "Compensation" is the amount of money or other value that an employee is paid to perform his or her job duties. "Duties" are the particular acts an employee is expected to perform as a part of his or her job. "Qualifications" are the skills, knowledge, and abilities needed to perform a particular job. Finally, "responsibilities" are those things that an employee is obliged to do as part of his or her job. These meanings are confirmed by the dictionary definition of these words. Webster's definitions of these terms are as follows:

- A. Compensation - payment, wages.
- B. Duty - the action required by one's position or occupation.
- C. Qualification - something that qualifies; a condition that must be complied with.
- D. Responsibility - the quality or state of being responsible.


Thus, the names and other personnel information of the employees who were disciplined does not relate to their compensation, duties, qualifications, or responsibilities.


9. If Public Counsel subsequently notifies Southern Bell that this proprietary information is to be used in a proceeding before the Commission, Southern Bell will, in accordance with Rule 25-22.006, Florida Administrative Code, filed a detailed Motion for Protective Order specifically addressing the information identified.

WHEREFORE, Southern Bell respectfully requests that the Prehearing Officer issue a Temporary Protective Order exempting Southern Bell's responses to Request No. 5 of Public Counsel's Thirty-Sixth Production of Documents from § 119.07(1), Florida Statutes, in accordance with Rule 25-22.006, Florida Administrative Code.

Respectfully submitted this 8th day of March, 1993.

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