

NANCY B. WHITE  
General Attorney

Southern Bell Telephone  
and Telegraph Company  
Suite 400  
150 South Monroe Street  
Tallahassee, Florida 32301  
(404) 529-5387

ORIGINAL  
FILE COPY

August 27, 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

Dear Mr. Tribble:

Enclosed is an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Forty-Fifth Request for Production of Documents and its Motion for A Temporary Protective Order. Please file this document 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.

Sincerely,

*Nancy B. White*  
Nancy B. White (oj)

ACK 2  
AFA 1  
APP 1  
CAF \_\_\_\_\_

CMU Enclosures

cc: All Parties of Record  
A. M. Lombardo  
H. R. Anthony  
R. D. Lackey  
6

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**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 27<sup>th</sup> day of August, 1993 to:

Robin Norton  
Division of Communications  
Florida Public Service  
Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0866

Tracy Hatch  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Grandoff & Reeves  
315 South Calhoun Street  
Suite 716  
Tallahassee, FL 32301-1838  
atty for FIXCA

Joseph Gillan  
J. P. Gillan and Associates  
Post Office Box 541038  
Orlando, Florida 32854-1038

Patrick K. Wiggins  
Wiggins & Villacorta, P.A.  
Post Office Drawer 1657  
Tallahassee, Florida 32302  
atty for Intermedia and Cox

Kenneth A. Hoffman  
Messer, Vickers, Caparello,  
Madsen, Lewis & Metz, PA  
Post Office Box 1876  
Tallahassee, FL 32302  
atty for FPTA

Charles J. Beck  
Deputy Public Counsel  
Office of the Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Michael J. Henry  
MCI Telecommunications Corp.  
MCI Center  
Three Ravinia Drive  
Atlanta, Georgia 30346-2102

Richard D. Melson  
Hopping Boyd Green & Sams  
Post Office Box 6526  
Tallahassee, Florida 32314  
atty for MCI

Rick Wright  
Regulatory Analyst  
Division of Audit and Finance  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0865

Laura L. Wilson, Esq.  
c/o Florida Cable Television  
Association, Inc.  
Post Office Box 10383  
310 North Monroe Street  
Tallahassee, FL 32302  
atty for FCTA

Chanthina R. Bryant  
Sprint Communications Co.  
Limited Partnership  
3065 Cumberland Circle  
Atlanta, GA 30339

Michael W. Tye  
AT&T Communications of the  
Southern States, Inc.  
106 East College Avenue  
Suite 1410  
Tallahassee, Florida 32301

Dan B. Hendrickson  
Post Office Box 1201  
Tallahassee, FL 32302  
atty for FCAN

Benjamin H. Dickens, Jr.  
Blooston, Mordkofsky,  
Jackson & Dickens  
2120 L Street, N.W.  
Washington, DC 20037  
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.  
Ervin, Varn, Jacobs, Odom  
& Ervin  
305 South Gadsen Street  
Post Office Drawer 1170  
Tallahassee, Florida 32302  
atty for Sprint

Florida Pay Telephone  
Association, Inc.  
c/o Mr. Lance C. Norris  
President  
Suite 202  
8130 Baymeadows Circle, West  
Jacksonville, FL 32256

Monte Belote  
Florida Consumer Action Network  
4100 W. Kennedy Blvd., #128  
Tampa, FL 33609

Donald L. Bell, Esq.  
104 East Third Avenue  
Tallahassee, FL 32303  
Atty for AARP

Michael B. Twomey  
Gerald B. Curington  
Department of Legal Affairs  
Room 1603, The Capitol  
Tallahassee, FL 32399-1050

Mr. Douglas S. Metcalf  
Communications Consultants,  
Inc.  
631 S. Orlando Ave., Suite 250  
P. O. Box 1148  
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.  
General Attorney  
Mr. Peter Q. Nyce, Jr.  
General Attorney  
Regulatory Law Office  
Office of the Judge  
Advocate General  
Department of the Army  
901 North Stuart Street  
Arlington, VA 22203-1837

Mr. Michael Fannon  
Cellular One  
2735 Capital Circle, NE  
Tallahassee, FL 32308

Floyd R. Self, Esq.  
Messer, Vickers, Caparello,  
Madsen, Lewis, Goldman & Metz  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
Attys for McCaw Cellular

Angela Green  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Stan Greer  
Division of Communications  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Nancy B. White  
(19)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of )  
the Revenue Requirements and Rate )  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph )  
Company )

Docket No. 920260-TL  
Filed: August 27, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
FORTY-FIFTH 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 Rules 25-22.034, Florida Administrative Code, Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Forty-Fifth Request for Production of Documents dated July 28, 1993 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 information relating to non-regulated interests, and other proprietary confidential business

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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. Notwithstanding this objection, Southern Bell will provide a general description of any material withheld due to an applicable privilege.

2. With regard to Public Counsel's definition of "document" or "documents", Southern Bell has made a diligent, good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

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 of documents 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).

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

#### SPECIFIC RESPONSES

7. With respect to Request No. 698, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's Thirty-Second Request for Production of Documents, Item Nos. 423 and 436 and Item No. 578 of Public Counsel's Forty-First Request for Production of Documents. Southern Bell objects to the remainder of this request on the basis that a similar request

made by the Staff in the NARUC Audit is presently on appeal before the Florida Supreme Court.

8. With respect to Request No. 699, 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. In addition, Southern Bell objects to this request on the basis of the attorney-client privilege and the work product doctrine. The documents withheld on that basis include the following:

- (a) Memo dated March 11, 1992 from Tom Rawls, General Attorney to the File regarding legal issues and requirements of the Public Telephone Business Task Force;
- (b) Memo dated April 27, 1992 from Tom Rawls, General Attorney to David Conley regarding network pay telephone strategy;
- (c) Memo dated June 11, 1992 from Tom Rawls, General Attorney to David Conley regarding network regulatory strategy.

9. With respect to Request No. 700, Southern Bell refers Public Counsel to Southern Bell's response to Item No. 699.

10. With respect to Request No. 701, Southern Bell refers Public Counsel to Southern Bell's response to Item No. 554 of Public Counsel's Fortieth Request for Production of Documents.

11. With respect to Request No. 702, 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.

12. With respect to Request No. 703, Southern Bell refers Public Counsel to Item No. 423 of Public Counsel's Thirty-Second Request for Production of Documents and Item No. 578 of Public Counsel's Forty-First Request for Production of Documents.

13. With respect to Request No. 704, Southern Bell has no documents responsive to this request inasmuch as BellSouth Enterprises remains a viable entity and, to the best of Southern Bell's knowledge, has every intention of remaining a viable entity.

14. With respect to Request No. 705, Southern Bell has no documents responsive to this request inasmuch as BellSouth Enterprises remains a viable entity and, to the best of Southern Bell's knowledge, has every intention of remaining a viable entity.

15. With respect to Request No. 706, Southern Bell has no documents responsive to this request inasmuch as BellSouth Enterprises remains a viable entity and, to the best of Southern Bell's knowledge, has every intention of remaining a viable entity.



Respectfully submitted this 27th day of August, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

Harris R. Anthony  
HARRIS R. ANTHONY (e)  
c/o Marshall M. Criser  
400 - 150 South Monroe Street  
Tallahassee Florida 32301  
(305) 530-5555

R. Douglas Lackey  
R. DOUGLAS LACKEY (e)  
NANCY B. WHITE  
4300-675 West Peachtree Street  
Atlanta, Georgia 30375  
(404) 529-5387