

Legal Department

SIDNEY J. WHITE, JR.  
General Attorney

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

ORIGINAL  
FILE COPY

November 1, 1993

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

920260

RE: Docket Nos. 910163-TL and 910727-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Staff's Thirty-Seventh Request for Production of Documents. Please file this document in the above-captioned docket.

ACK 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.

Sincerely,

*Sidney J. White, Jr.*  
Sidney J. White, Jr. (PWS)

Enclosures

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

RECEIVED & FILED

*Scw*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11778 NOV-1 83

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL FILE COPY

In re: Petition on Behalf of  
 Citizens of the State of Florida  
 to Initiate Investigation into  
 Integrity of Southern Bell  
 Telephone and Telegraph Company's  
 Repair Service Activities and  
 Reports.

)  
 )  
 )  
 ) Docket No. 910163-TL  
 )  
 )

In re: Investigation into  
 SOUTHERN BELL TELEPHONE AND  
 TELEGRAPH COMPANY'S Compliance  
 with Rule 25-4.110(2), F.A.C.,  
 Rebates

)  
 )  
 ) Docket No. 910727-TL  
 )  
 )  
 ) Filed: November 1, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
 RESPONSE AND OBJECTIONS TO STAFF'S THIRTY-SEVENTH  
 REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and pursuant to Rule 25-22.034 Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, files its Response and Objections to Staff's Thirty-Seventh Request for Production of Documents dated September 27, 1993.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition of "you" and "your" as well as the definition of "BellSouth." It appears that Staff, 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 Staff 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).

DOCUMENT NUMBER-DATE

11778 NOV-18

REGISTRATION/REPORTING

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

3. Southern Bell objects to Staff's definition of "relating to." Staff's definition of this term is overly broad and objectionable in that under Staff's definition, a document "relating to" a given subject could literally mean any document mentioning the subject in any way, shape, or form. Clearly, such an overly broad and unduly burdensome qualification for testing the responsiveness of documents in the context of discovery is improper and would cause the production of unnecessary, unrelated and irrelevant documents.

4. Southern Bell objects to Staff's suggestion that this request for production of documents is continuing in nature. A party who responds to a request for discovery with a response that is complete when made is under no duty to supplement such response thereafter to include information later acquired. Rule 1.280(e), Florida Rules of Civil Procedure. Consequently, Staff's request that this discovery be continuing in nature is improper and therefore objectionable.

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

SPECIFIC RESPONSES

6. With respect to Request No. 1, pursuant to an agreement with Staff, Southern Bell will produce responsive documents that are in its possession, custody, or control at its Tallahassee

offices for initial review by Staff. If after its initial review Staff desires copies of any of these documents, Southern Bell will provide such documents with the confidential customer specific information redacted, consistent with past practices and agreements with Staff.

7. With respect to Request No. 2, Southern Bell states that this request is not applicable. All responsive documents have been produced.

Respectfully submitted this 1st day of November, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

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

*R. Douglas Lackey (Ans)*  
R. DOUGLAS LACKEY  
SIDNEY J. WHITE, JR.  
4300 - 675 West Peachtree St.  
Atlanta, Georgia 30375  
(404) 529-5094

**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 1st day of November, 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

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

Kenneth A. Hoffman, Esq.  
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

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

*Sydney J. White Sr. (pm)*