

NANCY B. WHITE  
General Attorney

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

November 1, 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. [REDACTED]

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objection to Public Counsel's Fifty-Ninth Request for Production of Documents and Motion for 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 (PW)

Enclosures

- 1/1/93* All Parties of Record
- 6* A. M. Lombardo
- H. R. Anthony
- R. D. Lackey

RECEIVED & FILED

*[Signature]*

DOCUMENT NUMBER-DATE

11780 NOV-18

FLORIDA RECORDS/REPORTING

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: November 1, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
FIFTY-NINTH REQUEST FOR PRODUCTION OF DOCUMENTS AND  
ITS MOTION FOR 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 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") Fifty-Ninth Request for Production of Documents dated September 30, 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, a Company commissioned study and related information analyzing and assessing key aspects of the Company's internal business practices and relationships and internal

DOCUMENT NUMBER-DATE  
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PFS-RECORDS/REPORTING

training materials purchased from an outside vendor. This information is included as proprietary confidential business information under § 364.183(3), (3)(a), (3)(d) and (3)(e), Florida Statutes and Rule 25-22.006, Florida Administrative Code. 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(5)(c), Florida Administrative Code, file a detailed motion for protective order specifically addressing each of the documents identified by Public Counsel.

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

#### SPECIFIC RESPONSES

6. With respect to Request No. 848, 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.

7. With respect to Request No. 849, 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.

8. With respect to Request No. 850, 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. 851, 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.

10. With respect to Request No. 852, 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.

Respectfully submitted this 1st day of November, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

*Harris R. Anthony (AW)*

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

*R. Douglas Lackey (AW)*

R. DOUGLAS LACKEY  
NANCY B. WHITE  
4300 - 675 West Peachtree St., N.E.  
Atlanta, Georgia 30375  
(404) 529-5387

**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  
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.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, Georgia 30342

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

Nancy B. White (AW)