

MARY JO PEED  
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Southern Bell Telephone  
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(404) 529-7208

February 22, 1995

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response And Objections to Public Counsel's First Post-Settlement Request for Production of Documents and Motion for a Temporary Protective Order. Please file these documents in the captioned docket.

- ACK 1 \_\_\_\_\_
- APA 1 \_\_\_\_\_ A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me.
- APP 1 \_\_\_\_\_
- CO 4 \_\_\_\_\_ Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

*Mary Jo Peed (e)*  
Mary Jo Peed

*Norton*

Enclosures

cc: All Parties of Record  
1 \_\_\_\_\_ A. M. Lombardo  
1 \_\_\_\_\_ R. G. Beatty  
1 \_\_\_\_\_ R. D. Lackey

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of )  
the Revenue Requirements and Rate ) Docket No. 920260-TL  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph ) Filed: February 22, 1995  
Company )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE  
AND OBJECTIONS TO PUBLIC COUNSEL'S FIRST POST-SETTLEMENT  
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 Rule 25-22.034, Florida  
Administrative Code, and Rule 1.350, Florida Rules of Civil  
Procedure, its Response and Objections to the Office of Public  
Counsel's ("Public Counsel") First Post-Settlement Request for  
Production of Documents dated January 18, 1995 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, employee personnel information unrelated to  
compensation, duties, qualifications, or responsibilities, and  
other proprietary confidential business information. Such

DOCUMENT NUMBER-DATE

02122 FEB 22 88

FPSC-RECORDS/REPORTING

information is specifically included as proprietary confidential business information pursuant to § 364.183(3)(f), 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, portions of two documents contain a record of requests for legal advice and as such are being withheld based upon privilege. The documents are found in the Bates Range 6748-890 and 6891-924. The redacted portion of each document contained legal advice requested by the security department and BellSouth's Vice President - Corporate Responsibility and Compliance received from Keith Kochler, General Attorney, BellSouth Telecommunications and Lawrence E. Gill, General Attorney, BellSouth Telecommunications.

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." 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 only be directed 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. In response to Request No. 1, Southern Bell and Public Counsel have agreed that the information requested therein will be provided on April 3, 1995, subject to the Motion for Temporary Protective Order set forth above.

8. In response to Request No. 2, Southern Bell and Public Counsel have agreed that the information requested therein will be provided on April 3, 1995, subject to the Motion for Temporary Protective Order set forth above.

9. In response to Request No. 3, Southern Bell and Public Counsel have agreed that the information requested therein will be provided on April 3, 1995, subject to the Motion for Temporary Protective Order set forth above.

10. With respect to Request No. 4, 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.

11. In response to Request No. 5, Southern Bell and Public Counsel have agreed that the information requested therein will be provided on April 3, 1995, subject to the Motion for Temporary Protective Order set forth above.

12. 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 subject to the Motion for Temporary Protective Order set forth above.

13. In response to Request No. 7, Southern Bell states that it was unable to locate any of the documents specifically referenced in Request No. 7. However, Southern Bell will produce documents which may provide the information requested subject to the Motion for Temporary Protective Order set forth above.

14. With respect to Request No. 8, 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.

15. 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 subject to the Motion for Temporary Protective Order set forth above.

16. 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 subject to the Motion for Temporary Protective Order set forth above.

17. With respect to Request No. 11, 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.

18. With respect to Request No. 12, 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.

19. With respect to Request No. 13, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

20. With respect to Request No. 14, 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. 15, 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. 16, 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.

23. With respect to Request No. 17, 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.

24. With respect to Request No. 18, 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.

25. With respect to Request No. 19, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

26. With respect to Request No. 20, 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.

27. With respect to Request No. 21, 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.

28. With respect to Request No. 22, 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.

29. With respect to Request No. 23, 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.

30. With respect to Request No. 24, 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.

31. With respect to Request No. 25, 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.

32. With respect to Request No. 26, Southern Bell has no documents responsive to this request in its possession, custody, or control.



33. With respect to Request No. 27, 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.

34. With respect to Request No. 28, Southern Bell has no documents responsive to this request in its possession, custody, or control.

Respectfully submitted this 22nd day of February, 1995.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

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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 22nd day of February, 1995 to:

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