

Nancy B. White
Assistant General Counsel-Florida

BELL SOUTH ORIGINAL FILE COPY
BellSouth Telecommunications, Inc.
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May 2, 1997

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 920260-TL

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response and Objections to Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings) and Motion for a Temporary Protective Order, which we ask that you file in the 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 to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B White
Nancy B. White (22)

- ACK _____
- AFA 3 _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1 _____
- LIN 5 _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

Enclosures

cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
04393 MAY-26
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by U. S. Mail and * Hand-Delivery this 2nd day of May,
1997 to:

=====

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Nancy B. White
Nancy B. White (28)

**ORIGINAL
FILE COPY**

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)
Company)
_____) Filed: May 2, 1997

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE
AND OBJECTION TO PUBLIC COUNSEL'S FIRST POST-SETTLEMENT
REQUEST FOR PRODUCTION OF DOCUMENTS (1996 EARNINGS)
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), 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 (1996 Earnings) dated March 28, 1997 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, BellSouth 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, nonregulated operations information, and other proprietary confidential business information. Such information is specifically included as proprietary confidential business information pursuant to § 364.183(3)(f), Florida Statutes. If Public Counsel subsequently notifies BellSouth that any of the proprietary documents are to be used in a proceeding before the Commission, BellSouth 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.

DOCUMENT NUMBER-DATE

04393 MAY-25

FPSC-RECORDS/REPORTING

GENERAL RESPONSES

1. BellSouth 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, BellSouth agrees to identify any documents withheld on the basis of privilege.

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

3. BellSouth 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). Some of the information responsive to Public Counsel's First Post Settlement Request for Production of Documents are not in the custody, possession, or control of BellSouth. However, BellSouth Corporation, the parent of BellSouth as a matter of comity, is willing voluntarily to make available appropriate information or make an appropriate reply to those questions. Most of this information is confidential and proprietary and, therefore, to the extent made available, it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BellSouth Corporation.

4. BellSouth does not believe it was Public Counsel's intent to require BellSouth to produce again the same documents previously produced in other dockets, but to the extent it does, BellSouth objects on the basis that such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

5. BellSouth 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. 1, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

8. With respect to Request No. 2, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BellSouth Corporation ("BSC").

9. With respect to Request No. 3, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BSC.

10. With respect to Request No. 4, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BSC.

11. With respect to Request No. 5, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BSC.

12. With respect to Request No. 6, BellSouth 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. With respect to Request No. 7, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

14. With respect to Request No. 8, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BSC.

15. With respect to Request No. 9, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

16. With respect to Request No. 10, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

17. With respect to Request No. 11, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth refers Public Counsel to BellSouth's response to Item 23 of Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings).

18. With respect to Request No. 12, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

19. With respect to Request No. 13, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

20. With respect to Request No. 14, BellSouth 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, BellSouth 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.

22. With respect to Request No. 16, BellSouth 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, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

24. With respect to Request No. 18, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel in connection with Citizen's First Set of Post-Settlement Interrogatories Item Nos. 8 and 9, from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

25. With respect to Request No. 19, BellSouth 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.

26. With respect to Request No. 20, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

27. With respect to Request No. 21, BellSouth 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, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public

Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above. BellSouth also refers Public Counsel to Item 23 of Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings).

29. With respect to Request No. 23, BellSouth objects to this request on the basis that it is *overly burdensome and oppressive*. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested subject to the Motion for Temporary Protective Order set forth above.

30. With respect to Request No. 24, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BSC.

31. With respect to Request No. 25, BellSouth has no responsive documents 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, BellSouth 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.

33. With respect to Request No. 27, BellSouth 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, BellSouth 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.

BellSouth also refers Public Counsel to Item 26 of Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings).

35. With respect to Request No. 29, BellSouth 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.

36. With respect to Request No. 30, BellSouth has no documents responsive to this request in its possession, custody, or control.

37. With respect to Request No. 31, BellSouth 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.

38. With respect to Request No. 32, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is in the possession, custody, and control of BSC.

39. With respect to Request No. 33, BellSouth refers Public Counsel to BellSouth's response to Item 29 of Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings).

40. With respect to Request No. 34, BellSouth 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.

41. With respect to Request No. 35, BellSouth refers Public Counsel to BellSouth's response to Item 29 of Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings).

42. With respect to Request No. 36, BellSouth refers Public Counsel to BellSouth's response to Item 31 of Public Counsel's First Post-Settlement Request for Production of Documents (1996 Earnings).

43. With respect to Request No. 37, BellSouth 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.

44. With respect to Request No. 38, BellSouth 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.

45. With respect to Request No. 39, BellSouth 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.


46. With respect to Request No. 40, BellSouth 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 2nd day of May, 1997.

BELLSOUTH TELECOMMUNICATIONS, INC.



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