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Legal Department

NANCY B. WHITE  
General Counsel - Florida

01 JAN 26 PM 4:47

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

RECORDS AND  
REPORTING

ORIGINAL

January 26, 2001

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. 000733-TL (Inv. Tariff Late Payment Charges)**

Dear Ms. Bayó:

Today, BellSouth Telecommunications, Inc. filed its Responses and Objections to Citizens' First Request for Production of Documents. Incorporated in BellSouth's responses is a Motion for Protective Order. In that regard, we have enclosed an original and fifteen copies, 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*  
(encl)

Nancy B. White

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation to determine ) Docket No. 000733-TP  
Whether BellSouth Telecommunications )  
Inc.'s tariff filing to restructure its late )  
payment charge is in violation of Section )  
364.051, F.S. )  
\_\_\_\_\_ ) Filed: January 26, 2001

**RESPONSES AND OBJECTIONS OF BELL SOUTH  
TELECOMMUNICATIONS, INC.  
TO CITIZENS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND MOTION FOR PROTECTIVE ORDER**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 28-106.206, *Florida Administrative Code*, and Rules 1.340 and 1.280, *Florida Rules of Civil Procedure*, files the following Responses and Objections to the First Request for Production of Documents served by the Citizens of the State of Florida ("Citizens") on December 18, 2000.

**GENERAL OBJECTIONS**

1. BellSouth objects to the requests to the extent they seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the requests to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. BellSouth objects to such requests as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every request and instruction to the extent that such requests or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. BellSouth objects to each and every request insofar as the requests are vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any answers provided by BellSouth in response to these requests will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. BellSouth will attempt to note in its responses each instance where this objection applies.

6. BellSouth objects to providing information to the extent that such information is already in the public record before the Commission.

7. BellSouth objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to §90.506, *Florida Statutes*. BellSouth also objects to each and every request that would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, *Florida Statutes*. To the extent that the Citizens' requests proprietary information that is not subject to the "trade secrets" privilege or to §364.24, BellSouth will make such information available to the Citizens' at a

mutually agreeable time and place pursuant to a Motion for Protective Order, or subject to a Request for Confidential Classification.

8. BellSouth objects to the Citizens' discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. BellSouth objects to each and every request, insofar as any of them is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

10. BellSouth is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, BellSouth creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

#### **MOTION FOR TEMPORARY PROTECTIVE ORDER**

11. 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, cost 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.

## **SPECIFIC OBJECTIONS AND RESPONSES**

**REQUEST NO. 1:** Please provide all documents provided to the Florida Public Service Commission or its Staff, whether or not filed with Division of Records and Reporting at the Florida Public Service Commission, related to docket 951159-TL.

**OBJECTION:** In addition to the General Objections stated above, BellSouth objects to Request for Production No. 1 on the grounds that this request is vague, ambiguous, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and is not relevant to the subject matter of this action.

**RESPONSE:** Subject to the discussions between BellSouth and Public Counsel, BellSouth will produce documents responsive to this request pursuant to the Motion for Protective Order.

**REQUEST NO. 2:** Please provide all documents in your possession, custody or control related to the requirements of section 364.051(5), Florida Statutes.

**OBJECTION:** In addition to the General Objections stated above, BellSouth objects to Request for Production No. 2 on the grounds that this request is vague, ambiguous, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and is not relevant to the subject matter of this action.

**RESPONSE:** Subject to the discussions between BellSouth and Public Counsel, BellSouth will produce documents responsive to this request pursuant to the Motion for Protective Order.

**REQUEST NO. 3:** Please provide all documents provided to the Florida Public Service Commission or its staff, whether or not filed with the Division of Records and Reporting at the Florida Public Service Commission, showing, reflecting or discussing compliance either with PSC order no. PSC-96-0012-FOF-TL or with Florida Statute section 364.051(5), Florida Statutes.

**OBJECTION:** In addition to the General Objections stated above, BellSouth objects to Request for Production No. 3 on the grounds that this request is vague, ambiguous, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and is not relevant to the subject matter of this action.

**RESPONSE:** Subject to the discussions between BellSouth and Public Counsel, BellSouth will produce documents responsive to this request pursuant to the Motion for Protective Order.



**REQUEST NO. 4:** Please provide each document in your possession, custody or control discussing or evaluating your compliance with either PSC order no. PSC-98-0012-FOF-TL or Florida Statute section 364.051(5), Florida Statutes.

**OBJECTION:** In addition to the General Objections stated above, BellSouth objects to Request for Production No. 4 on the grounds that this request is vague, ambiguous, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and is not relevant to the subject matter of this action.

**RESPONSE:** Subject to the discussions between BellSouth and Public Counsel, BellSouth will produce documents responsive to this request pursuant to the Motion for Protective Order.

Respectfully submitted this 26th day of January, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

NANCY B. WHITE

JAMES MEZA III

c/o Nancy Sims

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(305) 347-5555

*R. Douglas Lackey*

R. DOUGLAS LACKEY

675 West Peachtree Street, #4300

Atlanta, Georgia 30375

(404) 335-0747

243840


**CERTIFICATE OF SERVICE**  
**Docket No. 000733-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail and (\*) Hand Delivery this 26th day of January, 2001 to the following:

Lilja Dandelake  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Charles J. Beck (\*)  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
Attorney for Citizens  
of the State of Florida

  
Nancy B. White  
Nancy B. White (su)