

R. Douglas Lackey  
General Attorney  
Legal Department

Suite 400  
150 South Monroe Street  
Tallahassee, Florida 32301  
904 222-1201

April 25, 1991

**ORIGINAL  
FILE COPY**

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

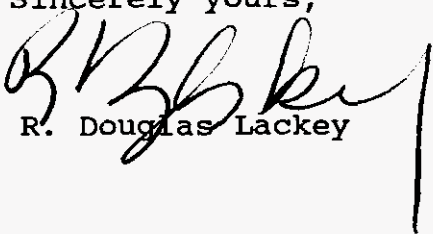
RE: Docket No. 910163-TL - Repair Service Investigation

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Third Request for Production of Documents, as well as a Motion for a Temporary Protective Order, which we ask that you file in the captioned docket.

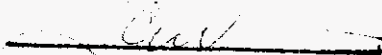
A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

- ACK
- AFA
- APP
- CAF
- CMU
- CTR  Enclosures
- EAG
- LEG  *Luton*
- LIN  *6*
- OPD
- RCH
- SEC
- WAS
- OTH  *Ray*

Sincerely yours,  
  
R. Douglas Lackey

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

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
04013 APR 25 1991  
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 25th day of April, 1991,  
to:

Charles J. Beck  
Assistant Public Counsel  
Office of the Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Robert Vandiver  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Tracy Hatch  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

A handwritten signature in black ink, appearing to read "RV Vandiver", is written over a horizontal line. The signature is stylized and cursive.

ORIGINAL  
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens )  
of the State of Florida to initiate )  
investigation into integrity of ) Docket No. 910163-TL  
Southern Bell Telephone and Telegraph ) Filed: April 25, 1991  
Company's repair service activities )  
and reports. )  
\_\_\_\_\_)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS AND ITS  
MOTION FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company") and files: (1) pursuant to Rule 25-22.034, Florida Administrative Code, and Rules 1.280(c) and 1.350 of the Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") March 26, 1991 Request for Production of Documents; and (2) pursuant to Rule 25-22.006(5)(c), its Motion for a Temporary Protective Order both as to certain information contained in documents to be produced and certain portions of the answers to Interrogatories 7 and 9 of Public Counsel's First Set of Interrogatories. To the extent that any response might otherwise be a subject of a motion for a protective order, this response may be considered as serving that purpose. See, Slatnick v. Leadership Housing System of Florida, Inc. 368 So.2d 78 (Fla. 4th DCA 1979).

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell does not believe it was Public Counsel's intent to require Southern Bell to produce again the same documents

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previously produced in this or another docket, 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.

2. Southern Bell objects to the specific time and place designated by Public Counsel for the production of documents for the reason that the designation is not reasonable, but has no objection to producing the documents which are responsive and to which no other objection is made, at a mutually agreed upon time and place.

3. Some of the documents that will be delivered to and reviewed by Public Counsel contain proprietary confidential business information which should not be publicly disclosed. Thus, pursuant to the Commission's new rule on confidentiality, Rule 25-22.006(5)(c), Florida Administrative Code, Southern Bell moves the Prehearing Officer to issue a Temporary Protective Order exempting these documents and information from Section 119.07(1), Florida Statutes. The proprietary documents in question contain customer specific information as well as information related to the security and operation of Southern Bell's computer systems. In addition, some of the documents contain employee information not related to the employee's compensation, duties, qualifications or responsibilities, including the answers to Interrogatories 7 and 9 of Public Counsel's First Set of Interrogatories, which reflect the names of current and former employees who have been or are in the process of being disciplined as a result of what Southern Bell

contends was inappropriate conduct. Once Public Counsel notifies Southern Bell that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will file a detailed Motion for Protective Order specifically addressing each of the documents identified in accordance with Rule 25-22.006, Florida Administrative Code.

SPECIFIC OBJECTIONS AND RESPONSES TO THE REQUEST  
FOR PRODUCTION OF DOCUMENTS

4. In response to Interrogatory 1 of Public Counsel's First Set of Interrogatories in this proceeding, (hereinafter Public Counsel's interrogatories) which requested that Southern Bell identify and provide a detailed description of each report generated by MTAS, Southern Bell stated that it would furnish the appropriate manuals for MTAS which provide, as a part of the manuals, sample reports and a description thereof. Therefore, in response to Requests 1 and 2, and subject to the general objections stated above, Southern Bell will produce the appropriate manuals associated with MTAS.

5. Southern Bell objects to Request 3 on the ground that it is unduly burdensome and oppressive and therefore prohibited. As stated in response to Interrogatory 2 of Public Counsel's interrogatories, the list of missed commitments reflects no activity after January 1989. Prior to that time, those reports, which are being produced, only reflected a percentage figure representing the number of missed appointments. The data which supports the reported percentages, however, was mechanically

extracted for the purpose of making each missed commitment report and no underlying data, except the basic DLETH (Display Long Extended Trouble History) reports, exist. There is currently no way to mechanically examine the DLETHs to recreate those percentages given the passage of time since the reports were made. Furthermore, there is no way to extract from the tremendous volume of DLETHs, those specific ones which reflect missed appointments.

6. In response to Request 4, there were no telephone numbers identified in response to Public Counsel's Interrogatory No. 2.

7. For the time period covered by Request 5, Southern Bell has approximately 80 cardboard boxes, located in Miami, of materials related to Florida PSC complaints. A substantial portion of those documents would be associated with trouble repairs or outages, but the documents are not separated or otherwise distinguishable from all other PSC complaints. Southern Bell is undertaking to identify the material that is responsive to the request, but given the volume of the material, this cannot be completed prior to May 30, 1991, and perhaps even later. Southern Bell will thereafter produce the responsive material at a mutually agreeable time and place, subject to the general objections stated above.

8. Southern Bell will produce the documents requested in Request 6, subject to the general objections state above.

9. Southern Bell will produce all the higher level management complaints responsive to Request 7, subject to the general objections stated above.

10. Southern Bell will produce in response to Request 8, subject to the general objections stated above, all completed investigations and related documents it has been able to identify as being responsive to this request. The Southern Bell Legal Department is currently in the process of conducting an investigation concerning trouble repair reports, but that investigation is not complete. Southern Bell objects to producing that incomplete investigation in a piecemeal fashion, in that doing so could interfere with the completion of the internal investigation the Southern Bell Legal Department is conducting and could interfere in other pending investigations as well. In addition, the investigation which is being conducted by Southern Bell contains attorney-client privileged material and constitutes attorney work product. The specific materials covered include interviews with employees, analyses of the interviews and other documents related to the conduct of the investigation.

11. In response to Request 9, no TREAT or RSTS reports were identified. However, samples of reports now used in lieu of TREAT or RSTS reports were attached to the answer to Public Counsel's Interrogatory 4.

12. Southern Bell will produce the documents which it can identify as being responsive to Request 10, subject to the general objections stated above.


13. Southern Bell objects to Request 11 on the basis that it cannot, with any reasonable certainty, produce every document that identifies each subscriber refund for the ten-year period covered


by the request. However, and subject to this specific objection, as well as the general objections, Southern Bell is producing a document which will reflect the account number, class of service, period of outage and amount of refund for customers who received an out-of-service adjustment during the period 1988 to the present time. That document will be produced to Public Counsel as soon as possible.

14. Southern Bell will produce in response to Request 12, subject to the general objections stated above, the personnel reports and investigations associated with the interviews identified in response to Public Counsel's interrogatory No. 7.

Respectfully submitted this 25th day of April, 1991.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
HARRIS R. ANTHONY (22)  
c/o Marshall M. Criser, III  
Suite 400  
150 South Monroe Street  
Tallahassee, Florida 32302  
(305) 530-5555

  
R. DOUGLAS LACKEY  
4300 Southern Bell Center  
675 West Peachtree Street, N.E.  
Atlanta, Georgia 30375  
(404) 529-3862