

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

RE: Petition of the Attorney )  
General and the Public Counsel )  
to Adopt Rules Governing )  
900 Service )  
\_\_\_\_\_ )

Docket No. 910060-TP

Filed: June 13, 1991

SOUTHERN BELL TELEPHONE AND TELEGRAPH  
COMPANY'S (1) RESPONSE AND OBJECTIONS  
TO THE CITIZENS FIRST SET OF REQUEST FOR  
PRODUCTION OF DOCUMENTS AND (2) MOTION  
FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW, Southern Bell Telephone and Telegraph Company ("Southern Bell"), pursuant to Rule 25-22.034, Florida Administrative Code, and Rules 1.280 and 1.350, Florida Rules of Civil Procedure, and files (1) its Response And Objections To The Citizen's ("Public Counsel") First Set Of Request For Production of Documents dated May 9, 1991 and (2) its Motion For A Temporary Protective Order. With regard to the latter, several of the documents to be produced in response to Requests Nos. 1, 5, 6, 7 and 8 contain information exempt from Section 119.07(1), Florida Statutes, (the "Florida Public Records Act") or contain proprietary confidential business information as defined in Section 364.183, Florida Statutes, which is also exempt from the Florida Public Records Act. Consequently, Southern Bell herein moves that the Commission, pursuant to Section 364.183, Florida Statutes, Rule 25-22.006, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, enter a temporary protective order prohibiting Public Counsel from disclosing that information exempted from the Florida Public Records Act or from

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disclosing that proprietary confidential business information to be described with more specificity herein.

GENERAL OBJECTION

1. Southern Bell objects to producing any document that constitutes and attorney-client communication which is privileged or any document constituting attorney work product prepared in anticipation of litigation which is also privileged.

SPECIFIC RESPONSES AND OBJECTIONS

2. Subject to the foregoing general objection, Southern Bell offers the following specific responses and objections to Public Counsel's First Set of Request For Production of Documents.

3. Southern Bell will not produce the following documents which may be responsive to Requests Nos. 1 and 2 but are either attorney-client communications or attorney work product: (1) Notes of Sandra Randleman, General Attorney--BellSouth Services, from January 24, 1991 meeting to discuss response to Petition of the Attorney General and the Public Counsel to Adopt Rules Governing 900 Service ("900 Rule Making Petition"); (2) Notes of Sandra Randleman from April 16, 1991 meeting of the 900 Industry workshop; (3) Notes of Sandra Randleman from May 5, 1991 conference call in preparation for 900 Service workshop of Florida Public Service Commission; (4) Notes of Sandra Randleman concerning response to Florida Public Service Commission Staff's data request; (5) Memorandum of Sandra Randleman, Martin Ruegsegger, General Attorney--BellSouth Services, and Stephen

Vinsavich, General Attorney--BellSouth Services to David Falgoust, General Attorney--Southern Bell, dated January 30, 1991, concerning the 900 Rule Making Petition; (6) Draft of a memorandum to Martin Ruegsegger from Joy Lucas--BellSouth Services containing responses concerning 900 Rule Making Petition; (7) Memorandum dated January 29, 1991 to Martin Ruegsegger from Joy Lucas containing responses concerning 900 Rule Making Petition; (8) Notes of Joy Lucas from January 24, 1991 meeting with Martin Ruegsegger, Sandra Randleman and Steven Vinsavich concerning the 900 Rule Making Petition; (9) Memorandum dated January 29, 1991 from Ann Pierce--BellSouth Services to Sandra Randleman concerning the 900 Rule Making Petition; (10) Notes from Sandra Randleman to Bruce Liles--BellSouth Services concerning the conference call with AT&T, US Sprint, MCI and Telesphere; (11) Sandra Randleman's suggested revisions dated May 13, 1991 to Florida Public Service Commission Staff rules addressed to Bruce Liles; (12) Comments of Sandra Randleman dated May 6, 1991 addressed to Bruce Liles concerning a draft offered by AT&T of the 900 Industry's suggested revisions to Florida Public Service Commission Staff's proposed 900 rules; (13) Memorandum to Cheryl McKenzie Parlato--Southern Bell from Sandra Randleman, undated, concerning the Florida Public Service Commission data request filed April 22, 1991; (14) Comments of Sandra Randleman dated April 19, 1991 addressed to Beth Harber--Southern Bell concerning the Florida Public Service Commission Staff's proposed 900 rules; (15) Facsimile from Sandra Randleman

to Mary Jo Peed, General Attorney--Southern Bell, containing Mary Jo Peed's comments and suggested revisions to Recommendations of internal 900 Task Force; (16) Document containing Mary Jo Peed's suggestions and comments to draft of BellSouth's 900 Billing Policy/Guidelines; and (17) Document containing David Falgoust's suggestions and comments on draft response to Florida Public Service Commission Staff's data request filed April 22, 1991.

4. Southern Bell will produce for inspection and copying, at its offices in Tallahassee, the documents in its possession or subject to its control which are responsive to Public Counsel's Requests Nos. 1 through 8, subject to the Motion for a Temporary Protective Order with respect to those documents described in paragraphs 6, 7, 8, 9 and 10 of this pleading.

5. With respect to the documents described in paragraphs 6, 7, 8, 9 and 10 of this pleading, and for the reasons stated therein, Southern Bell requests that the Commission issue a temporary protective order exempting those documents from Section 119.07(1) Florida Statutes. Pursuant to Rule 25-22.006(5)(c), Southern Bell hereby offers to allow Public Counsel to inspect or take possession of those documents for the purpose of allowing Public Counsel to determine what information contained in them it may want to use at a hearing in this proceeding. Once Public Counsel determines the documents, if any, to be used by it at a hearing, Southern Bell will file a specific Request for a Protective Order as required by Paragraph (a) of Rule 25-22.006(5).

6. With regard to Request No. 1, there are four documents which appear to be responsive, but which contain and consist of information exempt from the Florida Public Records Act as indicated below or contain and consist of proprietary confidential business information. They are: (1) Copies of telephone bills of specific Southern Bell Florida customer. The bills contain information which is exempted from the Florida Public Records Act by Section 119.07(3)(w), Florida Statutes which states that "All records supplied by a telecommunication company to a state or local governmental agency which contain the name, address, and telephone number of subscribers are exempt from the provisions of Subsection (1);" (2) A listing of Southern Bell's 976 information providers by telephone number, program name, price of program, contact name and telephone number. These documents also contain the name, address and telephone number of subscribers and therefore are exempt from disclosure under the Public Records Act, Section 119.07(3)(w), Florida Statutes; (3) a cost analysis which includes a number of work sheets and a summary performed by BellSouth Services calculating the economic impact upon Southern Bell of the proposed rule change. These documents represent proprietary confidential business information relating the competitive billing and collection services offered by Southern Bell. Their disclosure would impair the competitive position of Southern Bell. Such documents are described as proprietary confidential business information in Section 364.183(3)(e), Florida Statutes.

7. With regard to Request No. 5, all documents which are responsive to this request contain and constitute information which is exempt from disclosure under the Public Records Act, Section 113.07(3)(w), Florida Statutes. These documents are records of complaints which Southern Bell has received about 900 and 976 services since January 1, 1991 and contain customer name, address, and telephone number.

8. With regard to Request No. 6, there are three documents which appear to be responsive, but which contain and consist of information exempt from the Florida Public Records Act as indicated below or contain and consist of proprietary confidential business information. They are: (1) Southern Bell and South Central Bell Billing and Collections Carrier Guidebook/Handbook procedures dealing with customer complaints about US Sprint 900 Service. This document contains customer specific information and is therefore exempt from disclosure under the Florida Public Records Act, Section 119.07(3)(w), Florida Statutes. The document also represents proprietary confidential business information relating to 900 service which is a competitive service. The document's disclosure may impair the competitive position of US Sprint. Such documents are described as proprietary confidential business information in Section 364.183(3)(e), Florida Statutes; (2) Southern Bell and South Central Bell Billing and Collections Carrier Guidebook/Handbook procedures dealing with customer complaints about MCI 900 Service. This document contains customer specific

information and is therefore exempt from disclosure under the Florida Public Records Act, Section 119.07(3)(w), Florida Statutes. The document also represents proprietary confidential business information relating to 900 service which is a competitive service. The document's disclosure may impair the competitive position of MCI. Such documents are described as proprietary confidential business information in Section 364.183(3)(e), Florida Statutes; (3) Southern Bell and South Central Bell Billing and Collections Carrier Guidebook/Handbook procedures dealing with customer complaints about Telesphere 900 Service. This document contains customer specific information and is therefore exempt from disclosure under the Florida Public Records Act, Section 119.07(3)(w), Florida Statutes. The document also represents proprietary confidential business information relating to 900 service which is a competitive service. The document's disclosure may impair the competitive position of Telesphere. Such documents are described as proprietary confidential business information in Section 364.183(3)(e), Florida Statutes.

9. With regard to Request No. 7, there are two documents which appear to be responsive but which contain and constitute information which is exempt from disclosure under the Public Record Act, Section 113.07(3)(w), Florida Statutes. They are: (1) A settlement report for Southern Bell's 976 information providers which lists the information provider by name, the number of calls, transport charges per subscriber, number of

adjustments per subscriber, dollar amount of the adjustments per subscriber, settlement amount per subscriber, and percentage of total messages adjusted per subscriber. This document, which includes customer specific information exempt from disclosure under the Public Records Act, Section 119.07(3)(w), Florida Statutes, and also contains information which if disclosed would impair the competitive 976 and associated billing and collection services of Southern Bell. Such information is defined as proprietary confidential business information under Section 364.183(3)(e), Florida Statutes; (2) A document entitled "Highlights of the 900 Adjustment Study, Southern Bell--August 1990." This document lists by name Southern Bell's billing and collection interexchange carrier customers who transport 900 calls, the 900 telephone number, program name, number of calls, and dollar amount of adjustments made. This document includes customer specific information exempt from disclosure under the Florida Public Records Act, Section 119.07(3)(w), Florida Statutes.

10. With regard to Request No. 8, there are two documents which appear to be responsive but which contain information which, pursuant to Section 364.183, Florida Statutes, constitutes proprietary confidential business information which is exempt from disclosure under the Florida Public Records Act. They are:

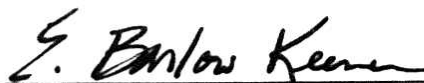
(1) Income Statement Summary Report prepared by BellSouth Services regarding 976 Service in Florida. This document contains information which if disclosed would impair the



competitive 976 and associated billing and collection services of Southern Bell. Such information is defined as proprietary confidential business information under Section 364.183(3)(e), Florida Statutes; (2) A document entitled "Product Proposal--BellSouth IntraLATA 900 Service--August 2, 1990." This document contains information which if disclosed would impair Southern Bell's ability to effectively compete in the pay per call market. Such information is defined as proprietary confidential business information under Section 364.183(3)(e), Florida Statutes.

Respectively submitted this 13th day of June, 1991.

SOUTHERN BELL TELEPHONE  
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DATE: 7/11/91

TO: Legal App

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