

R. Douglas Lackey  
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July 8, 1991

**ORIGINAL  
FILE COPY**

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

RE: Docket No. 910163-TL

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 Fifth Request for Production of Documents 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 yours,

  
R. Douglas Lackey

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG  *WTM*
- LIN 6 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- JTH \_\_\_\_\_

Enclosures

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

RECEIVED & FILED

**FPSC BUREAU OF RECORDS**

DOCUMENT NUMBER-DATE

06847 JUL -8 1991

CERTIFICATE OF SERVICE  
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 8th day of July, 1991,  
to:

Charles J. Beck  
Assistant Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, Florida 32399-1400

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

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

  
\_\_\_\_\_

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the )  
Integrity of Southern Bell's )  
Repair Service Activities ) Docket No. 910163-TL  
and Reports ) Filed: July 8, 1991  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS AND  
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") Fifth Request for Production of Documents dated June 7, 1991, and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for a Temporary Protective Order. To the extent that any individual request might otherwise be the subject of a motion for a protective order other than pursuant to Rule 25-22.006(5)(c), 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).

DOCUMENT NUMBER-DATE

06847 JUL -8 1991

REC-RECORDS/REPORTING

## GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell makes a general objection to Requests 1, 2, 3, 4, 5, 6 and 7 on the grounds that the requests are too broad in scope as to time and lack specificity with regard to the subject matter of this docket. Each request is worded so broadly, particularly when coupled with the instructions accompanying the requests, that it is impossible to conclude with any degree of assurance that Southern Bell could even identify each responsive document. For instance, several of the requests ask for essentially every form of recorded communication from every level of management regarding very general topics (such as disposition codes or VER codes) for a period of eleven years. Such an approach to discovery is precisely what the court prohibited in Caribbean Security Systems, Inc. v. Security Control Systems, Inc., 486 So.2d 654 (Fla. App. 3rd District, 1986).

2. Southern Bell does not believe it was Public Counsel's intent to require Southern Bell to produce the same documents previously or contemporaneously 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.

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 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 from Section 119.07(1), Florida Statutes. The proprietary information in question includes but is not limited to customer specific information, employee information such as social security numbers, and documents containing critical self analysis such as internal audits. 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 RESPONSES

4. Subject to the general objections, each of which is incorporated by reference into the specific responses made herein, Southern Bell responds to the individual numbered requests contained in Public Counsel's Fifth Request for Production of Documents as follows:

A. In response to Request No. 1, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has been able to identify which it has in its possession, custody or control.

B. In response to Request No. 2, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has been able to identify which it has in its possession, custody or control.

C. In response to Request No. 3, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has been able to identify which it has in its possession, custody or control.

D. In response to Request No. 4, those documents which can be identified as being responsive have already been produced to Public Counsel.

E. In response to Request No. 5, those documents which can be identified as being responsive have already been produced to Public Counsel.

F. In response to Request No. 6, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has been able to identify which it has in its possession, custody or control.

G. In response to Request No. 7, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has been able to identify which it has in its possession, custody or control.

H. In response to Request No. 8, Southern Bell will produce, at a mutually convenient time and place, the responsive

materials it has been able to identify which it has in its possession, custody or control.

Respectfully submitted this 8th day of July, 1991.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

*Harris R. Anthony*

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