

NANCY B. WHITE  
General Attorney

150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301  
(404) 529-5387

May 8, 1992

**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. 920260-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 Second Request for Production of Documents dated April 3, 1992 and Motion for a Temporary Protective Order which we ask that you file in the above-captioned docket.

ACK  A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me.  
ATA  3 copies have been served on the parties shown on the attached  
APP  Certificate of Service.

Sincerely yours,

*Nancy B White (oj)*  
Nancy B. White

- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG  *w/m* Enclosures
- LIN  \_\_\_\_\_
- CPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC  \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH  *Kay*

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

RECEIVED & FILED

*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04628 MAY-8 1992

FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**  
**Docket No. 920260-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 8th day of May, 1992 to:

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

Angela Green  
Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Nancy B. White (pj)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of ) Docket No. 920260-TL  
the Revenue Requirements and Rate )  
Stabilization Plan of Southern ) Filed: May 8, 1992  
Bell Telephone and Telegraph )  
Company (Formerly FPSC Docket )  
Number 880069-TL) )  
)

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

COMES NOW BellSouth Telecommunications, Inc. d/b/a 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 Responses and Objections to the Office of Public Counsel's ("Public Counsel") Second Request for Production of Documents dated April 3, 1992, and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order. To the extent that any response and objection might otherwise be the 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 D.C.A. 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 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,

DOCUMENT NUMBER-DATE  
04628 MAY-8 1992  
FPSC-RECORDS/REPORTING

and for these reasons is prohibited. Southern Bell refers Public Counsel to its response to Public Counsel's March 6, 1991 Production of Document Request, Item No. 10, in Docket No. 890190-TL; Public Counsel's First Request for Production of Documents, Item No. 18 in Docket No. 920260-TL; and the Deposition of Ernest Bush taken on April 25, 1991 in connection with Docket No. 890190-TL.

2. Southern Bell objects to Public Counsel's definition of "you" and "your" as well as the definition of "Southern Bell". 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 which are not parties to this docket. Interrogatories may only be directed to parties, in 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 (Fla. 4th D.C.A. 1984).

3. Southern Bell objects to Public Counsel's definition of "document" or "documents". Public Counsel's definition of these terms is overly broad and is objectionable pursuant to standards adopted in Caribbean Security Systems v. Security Control Systems, Inc., 486 So.2d 654 (Fla. 3rd D.C.A. 1986).

4. Southern Bell will has referred Public Counsel to documents provided in other dockets and some of these documents contain proprietary, confidential business information which should not be publicly disclosed. Confidential protection has been requested for this information in those dockets and to the

extent it was provided, Southern Bell requests same extended to the use of the documents in this docket. To the extent it has not been provided, and 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 § 119.07(1), Florida Statutes. The proprietary information in question generally contains trade secrets, internal auditing controls and reports of internal auditors, security measures or procedures, and other information of a confidential, proprietary nature, the disclosure of which will result in harm to the ratepayers or business operations of Southern Bell. Once Public Counsel notifies Southern Bell that any of the proprietary documents will 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 AND OBJECTIONS

5. Subject to the foregoing general responses and objections, Southern Bell offers the following specific responses and objections to Public Counsel's Second Request for Production of Documents filed on April 3, 1992 in Docket No. 920260-TL:

A. In response to Request No. 32 and 33, Southern Bell objects on the basis that the request is so overly broad and vague that Southern Bell cannot, with any reasonable certainty, produce each document that could or would be responsive to the

request. Literally read, in conjunction with the definitions given, the request would require the production of voluminous amounts of workpapers, backup, and analysis. Subject to this objection, however, Southern Bell will produce those summary documents it has. In addition, if desired, the individual backup workpaper documentation, and excerpts from the minutes of the Board of Directors Meetings, can be reviewed at the locations where they are maintained at a mutually agreeable time.

Respectfully submitted this 8th day of May, 1992.

ATTORNEYS FOR SOUTHERN BELL  
TELEPHONE AND TELEGRAPH COMPANY

Harris R. Anthony (of)  
HARRIS R. ANTHONY  
PHILLIP J. CARVER  
c/o Marshall M. Criser  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301  
(305) 530-5555

R. Douglas Lackey (of)  
R. DOUGLAS LACKEY  
NANCY B. WHITE  
4300 Southern Bell Center  
675 West Peachtree St., N.E.  
Atlanta, Georgia 30375  
(404) 529-3862  
(404) 529-5387