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**ORIGINAL
FILE COPY**

May 22, 1992

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 Third 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 on the parties shown on the attached Certificate of Service.

Sincerely yours,

Nancy B White
Nancy B. White

- ACK _____
- AFA 1 Enclosures
- APP _____
- CAF _____
- CMU 1
- CTR _____
- EAG _____
- LEG 1
- LIN 6
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- QTH _____

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

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

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CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 22nd day of May, 1992 to:

Robin Norton
Division of Communications
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, FL 32399-0866

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Harris R. Anthony

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Comprehensive Review of) Docket No. 920260-TL
the Revenue Requirements and Rate)
Stabilization Plan of Southern) Filed: May 22, 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
THIRD 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") Third Request for Production of Documents dated March 20, 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 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 D.C.A. 1979).

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's definition of "you" and "your" as well as the definition of "BellSouth". It appears that Public Counsel, through its definition of these words, is attempting to obtain discovery of information in the

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possession, custody, or control of entities that are not parties to this docket. Interrogatories may only be directed to parties, and 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 (4th D.C.A. 1984).

2. 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. App. 3rd District 1986). With regard to this objection, some of the documents to be produced by Southern Bell are necessarily summary documents since supporting work papers are scattered throughout the Company's multitude of locations. It is unreasonable, if not impossible, to collect all the documents that would be included within the scope of the definition given. Those documents will be made available for inspection by Public Counsel at their current locations and will be further described in Southern Bell's Specific Responses.

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

4. Southern Bell objects to Public Counsel's request on

the basis that certain classes of documents requested are not relevant to the subject matter of this proceeding. Rule 1.280, Florida Rules of Civil Procedure, states that "parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action for period". At this point, the issues which may exist in this docket relate solely to Southern Bell's regulated earnings in Florida. Therefore, any and all data regarding Southern Bell's operations in other states as well as any unregulated services are not relevant to this proceeding and therefore are not the proper subject of discovery. Consequently, where appropriate, Southern Bell will redact such irrelevant material from the documents produced.

5. Some of the documents that will be delivered to and reviewed by Public Counsel contain proprietary, confidential business information that 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 § 119.07(1), Florida Statutes. The proprietary documents in question include, but are not limited to, financial information/forecasts, and information regarding competitive services. Once Public Counsel notifies Southern Bell in writing that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will file in accordance with Rule 25-22.006, Florida Administrative Code, a detailed Motion for Protective Order

specifically addressing each of the documents identified.

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

SPECIFIC RESPONSES TO PUBLIC COUNSEL'S
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

7. 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 third Request for Production of Documents as follows:

A. In response to Request No. 34, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

B. In response to Request No. 35, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

C. In response to Request No. 36, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

D. In response to Request No. 37, Southern Bell objects on the grounds that the elimination entries not paid for by regulated funds are not relevant to this proceeding. Subject

to this objection, Southern Bell will produce all other information responsive to this request.

E. In response to Request No. 38, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

F. In response to Request No. 39, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

G. In response to Request No. 40, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

H. In response to Request No. 41, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control. Southern Bell also directs Public Counsel to Southern Bell's response to Request No. 42.

I. In response to Request No. 42, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell will produce a one month sample of the responsive material for Public Counsel's review, and will cooperate with Public Counsel to provide any further information that may be required.

J. In response to Request No. 43, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

K. In response to Request No. 44, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

L. In response to Request No. 45, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

M. In response to Request No. 46, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

N. In response to Request No. 47, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

O. In response to Request No. 48, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

P. In response to Request No. 49, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

Q. In response to Request No. 50, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

R. In response to Request No. 51, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

S. In response to Request No. 52, Southern Bell directs Public Counsel to its response to Request No. 42.

T. In response to Request No. 53, Southern Bell will produce, at a mutually convenient time and place, the responsible materials that it has in its possession, custody or control.

U. In response to Request No. 54, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

V. In response to Request No. 55, Southern Bell directs Public Counsel to its response to Request No. 42.

W. In response to Request No. 56, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

X. In response to Request No. 57, Southern Bell directs Public Counsel to Southern Bell's response to Request No. 42.

Y. In response to Request No. 58, Southern Bell directs Public Counsel to its responses to Public Counsel's Second Set of Interrogatories, Item Nos. 41-45 and Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

Z. In response to Request No. 59, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell will produce, at a mutually convenient time and place, a summary entitled "Corporate Aviation Operation Utilization Report" for the test period which lists dates,

itinerary, manifest and the purpose of each flight as well as the length and duration of the flight.

AA. In response to Request No. 60, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

BB. In response to Request No. 61, Southern Bell objects on the basis that the request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, the documentation of BellCore project managers may be viewed in Atlanta, Georgia and Birmingham, Alabama.

CC. In response to Request No. 62, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

DD. In response to Request No. 63, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

EE. In response to Request No. 64, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

FF. In response to Request No. 65, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

GG. In response to Request No. 66, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

HH. In response to Request No. 67, Southern Bell

refers Public Counsel to Southern Bell's response to Request No. 62.

II. In response to Request No. 68, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

JJ. In response to Request No. 69, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

KK. In response to Request No. 70, Southern Bell objects on the basis that this request is so overly broad as to be unduly burdensome and oppressive and therefore prohibited. However, Southern Bell agrees to make the project profiles available for inspection in Atlanta, Georgia.

LL. In response to Request No. 71, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request No. 71.

MM. In response to Request No. 72, Southern Bell will produce, at a mutually convenient time and place, the responsive materials that it has in its possession, custody or control.

NN. In response to Request No. 73, Southern Bell directs Public Counsel to Southern Bell's response to Item No. 67 of Public Counsel's Second Set of Interrogatories.

Respectfully submitted this 22nd day of May, 1992.

ATTORNEYS FOR SOUTHERN BELL
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