

**ORIGINAL
FILE COPY**

**J. Phillip Carver
General Attorney**

**Southern Bell Telephone
and Telegraph Company
c/o Marshall M. Criser III
Suite 400
150 So. Monroe Street
Tallahassee, Florida 32301
Phone (305) 530-5558**

June 8, 1992

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

Re: Public Counsel's Twenty-Third Request for POD
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 Twenty-Third Set of Requests for
Production of Documents dated May 8, 1992, and its Motion for
Temporary Protective Order, which we ask that you file in the
captioned docket.

ACK ✓
AFA _____
APP _____
CAF _____

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

LEG 1 W/m
LIN 6
OFC _____
RCH _____
SEC Enclosures

WAS cc: All Parties of Record
Harris R. Anthony
OTH _____ A. M. Lombardo
R. Douglas Lackey

Sincerely yours,

J. Phillip Carver
J. Phillip Carver

RECEIVED & FILED

[Signature]
FPSC-BUREAU OF RECORDS

A BELL SOUTH Company

DOCUMENT NUMBER-DATE

05918 JUN -8 1992

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 *8th* day of *June*, 1992,
to:

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

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

J. Phillip Caver

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens) Docket No. 910163-TL
of the State of Florida to initiate)
investigation into integrity of) Filed: June 8, 1992
Southern Bell Telephone and Telegraph)
Company's repair service activities)
and reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
TWENTY-THIRD SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND MOTION FOR 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, Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Twenty-Third Set of Requests for Production of Documents dated May 8, 1992, and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's definition of "you" and "your" as well as the definition of BellSouth Telecommunications, Inc. 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 that are not parties to this docket. Requests to Produce may only be directed to parties, and any attempt by Public Counsel to

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PSC-RECORDS/REPORTS

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 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 that are responsive and to which no other objection is made, at a mutually agreed upon time and place.

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., 468 So.2d 654 (Fla.App. 3rd Dist. 1986).

4. Southern Bell objects to the instruction, set forth in the Definitions Section of the request, as to information that is to be provided for any document not in the possession of Southern Bell. This request for an extensive narrative as to the "disposition" of these documents is not properly encompassed within a Request for Production, and is, further, unreasonable and burdensome.

5. Some or all of the documents listed in Requests to Produce Request Nos. 5, 6, 7, and 8, which Southern Bell has objected herein to producing, have also been requested in Docket No. 910260-TL. Southern Bell will produce the requested

documents in that docket, except for documents that are subject to any applicable privilege, or documents the production of which is otherwise objectionable.

6. 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. Specifically, these documents include employee performance evaluations produced in response to Requests Nos. 6, 7 and 8. These evaluations constitute employee personnel information that is not related to compensation, duties, qualifications or responsibilities. Accordingly, under the provisions of § 364.183(f), Florida Statutes, these evaluations are entitled to confidential treatment and exemption from § 119.07, Florida Statutes. If Public Counsel subsequently notifies Southern Bell that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will, in accordance with Rule 25-22.006, Florida Administrative Code, file a detailed motion for protective order specifically addressing each of the documents identified.

SPECIFIC RESPONSES

7. In response to Request No. 1, Southern Bell will produce, at a mutually convenient time and place, responsive documents that are in its possession, custody or control.

8. In response to Request No. 2, Southern Bell will produce, at a mutually convenient time and place, responsive documents that are in its possession, custody or control.

9. In response to Request No. 3, Southern Bell will produce, at a mutually convenient time and place, responsive documents that are in its possession, custody or control.

10. Southern Bell notes that Public Counsel's Twenty-Third Set of Requests for Production of documents contains no Request No. 4.

11. In response to Request No. 5, Southern Bell objects to the production of the requested documents because the Company salary plan is not relevant to the issues in the docket, and this request is not calculated to lead to the discovery of admissible evidence.


12. In response to Request No. 6, Southern Bell objects to the production of documents setting forth the requested salary treatment because these documents are not relevant to the issues in this docket, and this request is not calculated to lead to the discovery of admissible evidence. Southern Bell agrees to produce the requested yearly management evaluation forms, subject to its Motion for Temporary Protective Order contained herein.

13. In response to Request No. 7, Southern Bell objects to the production of the requested documents setting forth salary increases for management employees. The requested documents relating to E2700 results are included in the documents produced in response to Request No. 6, and are produced subject to Southern Bell's Motion for Temporary Protective Order.

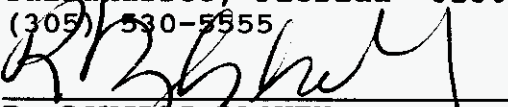
14. In response to Request No. 8, Southern Bell objects to the production of the requested documents because these documents are not relevant to the issues in this docket, and this request is not calculated to lead to the discovery of admissible evidence. Southern Bell agrees to produce the requested yearly management evaluation forms for the identified management personnel, subject to the its Motion for Temporary Protective Order contained herein.

Respectfully submitted,

ATTORNEYS FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY


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