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ORIGINAL
FILE COPY

June 19, 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 Ninth Request for Production of Documents which we ask that you file in the above-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.

ACK _____
AFA 3 _____
APP _____
C.F. _____
C.S. _____

Sincerely yours,

Nancy B. White (cf)
Nancy B. White

Enclosures

EAC _____
cc: 1 All Parties of Record
LMB W/M A. M. Lombardo
LH 6 H. R. Anthony
R. D. Lackey

CPC _____
RCH _____
SEC 1 _____
WAS _____
UTH _____

RECEIVED & FILED

[Signature]
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DOCUMENT NUMBER-DATE

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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 19th day of June, 1992 to:

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Nancy B. White (aj)

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: June 19, 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
NINTH 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") Ninth Request for Production of Documents dated May 15, 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 "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 that are not parties to this docket. Requests for Production 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

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D.C.A. 1984).

2. 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.

3. 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, state that "parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action". 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 information concerning other companies (which, in addition to being irrelevant may also be proprietary) is not relevant to this proceeding and therefore is not the proper subject of discovery.

4. By definition, Southern Bell's unregulated services, including inside wire, are not subject to the jurisdiction of this Commission. See Order No. 17040 issued on December 31, 1986 in Docket No. 861362-TL (order deregulating inside wire). In addition, the Commission has continuously refused to compel such information. See Orders No. 19681 and 19685, dated July 15, 1988 and July 18, 1988 in Docket No. 880069; Order No. 22461 dated

June 24, 1990 in Docket No. 890190; and Order No. 22412 dated June 11, 1990 in Docket No. 890486. It should also be noted that on June 12, 1992, the Commission voted to accept the Staff Recommendation on Issue 210 dated June 5, 1992 in Docket No. 910980, In Re: Depreciation Study for United Telephone of Florida. In effect, the Commission decided to proceed with a generic rulemaking to address the appropriate treatment of inside wire services for all local exchange companies. Any and all data regarding Southern Bell's unregulated services, including inside wire, are not relevant to this proceeding and are not the proper subject of discovery.

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 information of unregulated entities, and marketing plan information. 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 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.

7. 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 with a Request for Production, and is, further, unreasonable and burdensome.

8. 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).

SPECIFIC RESPONSES

9. 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 Ninth Request for Production of Documents as follows:

A. In response to Request No. 91, Southern Bell

refers Public Counsel to Paragraphs 3-4 of this Response.

B. In response to Request No. 92, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response.

C. In response to Request No. 93, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response.

D. In response to Request No. 94, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response.

E. In response to Request No. 95, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response.

F. In response to Request No. 96, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response.

G. In response to Request No. 97, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control, subject to its Motion for Temporary Protective Order contained herein.

H. In response to Request No. 98, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response with regard to inside wire. With regard to the remaining part of the request, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control, subject to its Motion for Temporary Protective Order contained herein.

I. In response to Request No. 99, Southern Bell refers Public Counsel to Paragraphs 3-4 of this Response.

Respectfully submitted this 19th day of June, 1992.

ATTORNEYS FOR SOUTHERN BELL
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