

a

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July 27, 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 Thirteenth Request for Production of Documents and Motion for a Temporary Protective Order which we ask that you file in the above-captioned docket.

A copy of this letter is enclosed. Please mark it to

ACK indicate that the original was filed and return the copy to me.
AFA 3 Copies have been served on the parties shown on the attached certificate of Service.

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

LED 12 Enclosures

LEI 6 cc: All Parties of Record

CPC _____ A. M. Lombardo

EDS _____ H. R. Anthony

STY _____ R. D. Lackey

Sincerely yours,

Nancy B. White
Nancy B. White (lg)

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TB
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DOCUMENT NUMBER-DATE

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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 27th day of July, 1992 to:

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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: July 27, 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
THIRTEENTH 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") Thirteenth Request for Production of Documents dated June 26, 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 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

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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 unregulated services (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. Consequently, where appropriate, Southern Bell will redact such irrelevant material from the documents produced.

4. 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 personally identifiable employee information. Accordingly, under the provisions of § 364.183(f), Florida Statutes, this information is 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.

5. 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.

6. 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.

7. 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

8. 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 Thirteenth Request for Production of Documents as follows:

A. In response to Request No. 161, the FCC/NARUC audit report is not yet available.

B. In response to Request No. 162, Southern Bell directs Public Counsel to Southern Bell's response to Public Counsel's Tenth Production of Documents in Docket No. 890190-TL.

C. In response to Request No. 163, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

D. In response to Request No. 164, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

E. In response to Request No. 165, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

F. In response to Request No. 166, Southern Bell will

produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

G. In response to Request No. 167, Southern Bell has no responsive materials in its possession, custody or control.

H. In response to Request No. 168, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

I. In response to Request No. 169, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

J. In response to Request No. 170, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

K. In response to Request No. 171, the BellSouth Corporate Plan referenced in Public Counsel's Third Production of Documents, Item No. 41 at F01A03Z001873 has not been completed at this time.

L. In response to Request No. 172, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

M. In response to Request No. 173, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

N. In response to Request No. 174, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

O. In response to Request No. 175, Southern Bell directs Public Counsel to Southern Bell's Responses to Public Counsel's Third Production of Documents, Item No. 41.

P. In response to Request No. 176, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control, and subject to the Motion for Temporary Protective Order contained herein.

Q. In response to Request No. 177, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

R. In response to Request No. 178, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control. Southern Bell further directs Public Counsel to Southern Bell's Responses to Public Counsel's Third Production of Documents, Item No. 50.

S. In response to Request No. 179, Southern Bell has no responsive materials in its possession, custody and control.

T. In response to Request No. 180, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control. Southern Bell further directs Public Counsel to Item No. 58 of Public Counsel's Third Production of Documents in Docket No. 920260-TL.

U. In response to Request No. 181, Southern Bell will

produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

V. In response to Request No. 182, Southern Bell will direct Public Counsel to Southern Bell's Responses to Public Counsel's Third Production of Documents, Item No. 38.

W. In response to Request No. 183, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control. The notes of the Legal Counsel for the Florida Revenue Assurance Committee will not be produced inasmuch as they are covered by the attorney-client or attorney work product privilege or both.

X. In response to Request No. 184, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody or control.

Y. In response to Request No. 185, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

Z. In response to Request No. 186, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

AA. In response to Request No. 187, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

BB. In response to Request No. 188, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

CC. In response to Request No. 189, Southern Bell will produce, at a mutually convenient time and place, the responsive materials it has in its possession, custody and control.

Respectfully submitted this 27th day of July, 1992.

ATTORNEYS FOR SOUTHERN BELL
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