

9

SIDNEY J. WHITE, JR.
General Attorney

Southern Bell Telephone
and Telegraph Company
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(404) 529-5094

**ORIGINAL
FILE COPY**

August 12, 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. 910163-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 Twenty-fifth 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 to the parties shown on the attached Certificate of Service.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- ETR _____

Sincerely yours,

Sid J. White Jr.
Sidney J. White, Jr. (of)

Enclosures

EAGcc: All Parties of Record
LEG 1 W/m A. M. Lombardo
H. R. Anthony
LIN R. D. Lackey

- OPD _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH Kay _____

RECEIVED & FILED

D. J.
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
09066 AUG 12 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 12th day of August, 1992 to:

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

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

Sid J. White, Jr.
(es)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
CITIZENS OF THE STATE OF FLORIDA)
to Initiate Investigation into)
Integrity of SOUTHERN BELL)
TELEPHONE & TELEGRAPH COMPANY'S)
Repair Service Activities and)
Reports.)
_____)

Docket No. 910163-TL
Filed: August 12, 1992

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
TWENTY-FIFTH 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") Twenty-fifth Request for Production of Documents dated July 8, 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 "document" or "documents". Public Counsel's definition of these

DOCUMENT NUMBER-DATE
09066 AUG 12 1992
FPSC-RECORDS/REPORTING

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).

2. 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. 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).

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 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. 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. Finally, some of the documents that will be delivered to or 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, internal audit reports, workpapers, and other information related to internal audits, customer-specific information, and company-specific systems access and security 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(5)(c), Florida Administrative Code, a detailed

Motion for Protective Order specifically addressing each of the documents identified.

SPECIFIC RESPONSES

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

2. In response to Request No. 2, the responsive documents are included in Southern Bell's production under Request No. 1.

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

4. In response to Request No. 4, Southern Bell does not have in its possession, custody, or control any documents directly responsive to Request No. 4. However, refer to Southern Bell's response to Request No. 17, *infra*.

5. In response to Request No. 5, Southern Bell will produce responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell further identifies the document entitled "Methods & Procedures for Managing Access Networking

System End Users", dated February 1991, as being a proprietary and confidential business document subject to the pending motion. This document contains highly sensitive information relating to access and security of internal proprietary company systems.

6. In response to Request No. 6, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

7. In response to Request No. 7, Southern Bell will produce the responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell specifically identifies the company internal audit entitled "Repair Service Bureau Operations" (reference number IA014-302-13-A-SF) (June 1988) as being a proprietary and confidential business document subject to the pending motion. This document is an internal audit report summarizing the results of company-specific internal audit activity.

8. In response to Request No. 8, Southern Bell will produce the responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell specifically identifies the

company internal audit entitled "Network Customer Trouble Report" (reference number FA037-503-03-A-SF) (December 1988) as being a proprietary and confidential business document subject to the pending motion. This document is an internal audit report summarizing the results of company-specific internal audit activity.

9. In response to Request No. 9, Southern Bell will produce responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell specifically identifies the requested audit workpapers for Internal Audit reference number I-302-13-SF-05-88 (Books 1, 2, and 3) (June 1988) as being proprietary and confidential business documents subject to the pending motion. These documents contain supporting information relating to Company internal auditing activity.

10. In response to Request No. 10, Southern Bell will produce responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell specifically identifies the requested audit workpapers for Internal Audit reference number FA037-503-03-A-SF (December 1988) as being proprietary and confidential business documents subject to the pending motion.

These documents contain supporting information relating to Company internal auditing activity.

11. In response to Request No. 11, Southern Bell has already produced responsive documents in the Company's response to Public Counsel's First Request for Production of Documents, Request No. 1 and Public Counsel's Fourth Request for Production of Documents, Request Nos. 1 and 2.

12. In response to Request No. 12, refer to Southern Bell's responses to Request Nos. 1 and 4.

13. In response to Request No. 13, Southern Bell will produce the responsive documents that are in its possession, custody, or control at a mutually convenient time and place. Also, see Southern Bell's responses to Request Nos. 1, 3 and 5.

14. In response to Request No. 14, see Southern Bell's responses to Request Nos. 1, 3 and 5.

15. In response to Request No. 15, Southern Bell will produce the responsive documents in its possession, custody, or control at a mutually convenient time and place. Also, see Southern Bell's responses to Request Nos. 1, 3 and 5.

16. In response to Request No. 16, Southern Bell will produce responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Also, see documents responsive to Request Nos. 1 and 5. Southern Bell specifically identifies the document entitled "IMSSS IMS Security System -- Manager Procedures" (March 1991) as a proprietary and confidential business document subject to the pending motion. This document contains detailed information regarding access to and the security of the IMS-based computer applications within BellSouth.

17. In response to Request No. 17, Southern Bell will produce the responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place, and in addition, documents responsive to this request were provided by Southern Bell in response to Public Counsel's Third Request for Production of Documents, Request Nos. 6 and 10, and in response to Public Counsel's Twelfth Request for Production of Documents, Request No. 1 and in response to Public Counsel's Sixth Request for Production of Documents, Request Nos. 2, 7, and 13. Also, see documents produced in response to Request Nos. 1 and 5.

18. In response to Request No. 18, Southern Bell will produce the responsive documents that are in its possession,

custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell specifically identifies the Internal Audit Report entitled "Adjustments to Customer Bills" (FA010-106-01-A-SF) (October 1989) and the five (5) management letters in response to this report as proprietary and confidential business documents subject to the pending motion. The report contains the results of an internal audit, and the management responses contain the Company's reactions in the ongoing audit process.

19. In response to Request No. 19, Southern Bell will produce the responsive documents that are in its possession, custody, or control for Public Counsel's review at a mutually convenient time and place subject to its Motion for Temporary Protective Order set forth above. Southern Bell specifically identifies the documentation of the "mini-reviews" conducted by the Network staff organization in Florida as proprietary and confidential business information subject to the pending motion. These documents contain customer-specific information.

Respectfully submitted this 12th day of August, 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

Harris R. Anthony 02
HARRIS R. ANTHONY
c/o Marshall M. Criser, III
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555

R. Douglas Lackey 02
R. DOUGLAS LACKEY
SIDNEY J. WHITE, JR.
4300 Southern Bell Center
675 West Peachtree Street, N.E.
Atlanta, Georgia 30375
(404) 529-3862