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October 28, 1992

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

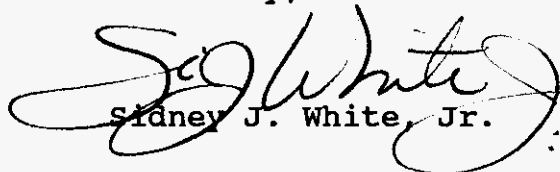
RE: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to the American Association of Retired Persons' ("AARP") First Request for Production of Documents and the Company's Motion for Protective Order. Please file these documents 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.

Sincerely,



Sidney J. White, Jr.

ACK \_\_\_\_\_

AFA 3

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMU Enclosures

CTR \_\_\_\_\_

EAG cc: All Parties of Record

LEG 1 A. M. Lombardo

LIN 6 H. R. Anthony

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SEC 1

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WAS \_\_\_\_\_

OTH \_\_\_\_\_

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 28th day of October, 1992 to:

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A handwritten signature in black ink, appearing to read "J. J. White". The signature is written in a cursive style with a horizontal line underneath the name. There is a small mark at the end of the signature, possibly a period or a flourish.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of )  
the Revenue Requirements and Rate ) Docket No. 920260-TL  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph ) Filed October 28, 1992  
Company (Formerly FPSC Docket )  
Number 880069-TL) )  
\_\_\_\_\_)

SOUTHERN BELL'S RESPONSE AND OBJECTIONS TO  
THE AMERICAN ASSOCIATION OF RETIRED PERSONS' ("AARP")  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND  
MOTION FOR 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 AARP's First Request for Production of Documents dated September 28, 1992, and (2) Motion for Protective Order.

MOTION FOR PROTECTIVE ORDER

1. Southern Bell objects to producing some of the documents requested by AARP on the basis that the documents sought contain proprietary and confidential business information regarding, among other things, Southern Bell's market and competitive analyses, other competitively sensitive information, and information regarding competitive services provided by Southern Bell. Consequently, Southern Bell moves the Prehearing Officer to issue a Protective Order directing that discovery not be had with respect to the proprietary and confidential business documents referenced more specifically herein, or that discovery only be had under certain conditions. Southern Bell would be willing to entertain negotiations regarding producing certain of

12696 OCT 20 1992  
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these documents to the attorneys representing AARP upon the execution of an appropriate protective agreement.

GENERAL RESPONSE AND OBJECTIONS

2. Southern Bell objects to AARP's instruction relating to the details of privileged documents. To the extent production is objected to due to the privileged nature of documents, some of the information suggested by AARP would similarly be privileged and is therefore prohibited.

3. Southern Bell objects to AARP's definition of "document" or "documents". AARP'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).

4. Southern Bell objects to AARP's definition of "you" and "your" as well as the definition of "Southern Bell". It appears that AARP, 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 AARP 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).

5. Southern Bell objects to AARP's Request for Production of Documents to the extent that it seeks documents which are not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence relevant to the subject matter of this proceeding. This

objection relates, among other things, to documents which contain other states' information and information on certain unregulated services. Consistent with prior decisions of the Commission and in order to facilitate discovery in this proceeding, Southern Bell will produce, subject to the other objections contained herein, those documents which are responsive, and which contain both relevant and irrelevant information, with the irrelevant information removed.

#### SPECIFIC RESPONSES

6. In response to Request No. 10<sup>1</sup>, Southern Bell has no documents responsive to this request.

7. In response to Request No. 11, Southern Bell has no documents responsive to this request.

8. In response to Request No. 12, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

9. In response to Request No. 13, Southern Bell has no documents responsive to this request.

10. In response to Request No. 14, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of market demand analyses. Southern Bell also objects to this request on the basis that it is overly broad and would be unduly

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<sup>1</sup> AARP began its specific requests for production of documents in paragraph 10 of its pleading. In order to attach a numerical identifier to each document request, Southern Bell is referencing the various paragraphs as Item numbers (e.g., Paragraph 10 = Item No. 10).

burdensome and oppressive to respond to as framed. The request seeks copies of "any studies you have of the market demand for extensions of local calling areas in Florida." Read literally, this request would require Southern Bell to produce all subscriber surveys conducted pursuant to Rule 25-4.063, Florida Administrative Code, in all qualifying Extended Area Service ("EAS") cases involving Southern Bell in Florida since January 1, 1990. If AARP desires to review these numerous surveys, it can do so at the Commission, inasmuch as they are public records readily accessible to any interested party. With regard to market demand analyses other than those conducted pursuant to the Commission's EAS rules, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place subject to the execution of an acceptable protective agreement.

11. In response to Request No. 15, Southern Bell objects to the request on the basis that the responsive documents contain proprietary confidential competitive market information and analyses. Consequently, Southern Bell moves for a Protective Order as set forth herein directing that discovery not be had as to the documents sought in this Request, or that any production of such documents occur only after the execution of an acceptable protective agreement.

12. In response to Request No. 16, Southern Bell has no documents responsive to this request.

13. In response to Request No. 17, Southern Bell has no documents responsive to this request.

14. In response to Request No. 18, Southern Bell has no documents responsive to this request.
15. In response to Request No. 19, Southern Bell has no documents responsive to this request.
16. In response to Request No. 20, Southern Bell has no documents responsive to this request.
17. In response to Request No. 21, Southern Bell has no documents responsive to this request.
18. In response to Request No. 22, see documents produced in response to Request No. 15.
19. In response to Request No. 23, see documents produced in response to Request No. 15.
20. In response to Request No. 24, see documents produced in response to Request No. 15.
21. In response to Request No. 25, see documents produced in response to Request No. 15.
22. In response to Request No. 26, see documents produced in response to Request No. 15.
23. In response to Request No. 27, see documents produced in response to Request No. 15.
24. In response to Request No. 28, see documents produced in response to Request No. 15.
25. In response to Request No. 29, see documents produced in response to Request No. 15.
26. In response to Request No. 30, see documents produced in response to Request No. 15.



27. In response to Request No. 31, see documents produced in response to Request No. 15.


28. In response to Request No. 32, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

29. In response to Request No. 33, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.


30. In response to Request No. 34, see response to Request No. 32.

Respectfully submitted this 28th day of October, 1992.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY



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