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November 9, 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 Public Counsel's Twenty-Second Request for Production of Documents and Motion for a Temporary Protective Order. Please file these documents 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 on the parties shown on the attached Certificate of Service.

Sincerely,

ACK ✓  
ATTN 3  
*Sidney J. White, Jr.*  
Sidney J. White, Jr.

Enclosures

cc: All Parties of Record  
A. M. Lombardo  
H. R. Anthony  
R. D. Lackey

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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 9th day of November, 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 and is positioned above a horizontal line.

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: November 9, 1992  
Company (Formerly FPSC Docket )  
Number 880069-TL) )  
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SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
TWENTY-SECOND 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 Rule 1.350, Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") Twenty-Second Request for Production of Documents dated October 8, 1992 and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order.

MOTION FOR TEMPORARY PROTECTIVE ORDER

Some of the documents that will be delivered to or made available for review by Public Counsel contain proprietary, confidential business information that should not be publicly disclosed. Thus, pursuant to 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. These documents contain, among other things, vendor-specific information, strategic network planning information, marketing strategic information, competitive information on unregulated services, and other proprietary confidential business information. Such information

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is specifically included as proprietary confidential business information pursuant to § 364.183, 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.

#### GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by Public Counsel would be similarly privileged and therefore not subject to discovery.

2. 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).

3. Southern Bell objects to Public Counsel's definition of "you" and "your" as well as the definition of "BellSouth". 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 D.C.A. 1984).

4. 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.

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 Public Counsel's requests 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." This proceeding concerns Southern Bell's regulated earnings in the State of Florida. Therefore, any and all data regarding Southern Bell's operations in other states, some information concerning other affiliated companies (which, in addition to being irrelevant may also be proprietary) and some information concerning Southern

Bell's unregulated services are not relevant to this proceeding and therefore are not the proper subject of discovery.

7. The following Specific Responses are given subject to the above-stated General Responses and Objections.

SPECIFIC RESPONSES

8. In response to Request No. 314, Southern Bell objects to this request on the basis that the request calls for the production of documents containing proprietary confidential business information. The documents contain strategic network, market analysis and planning information relating to new network opportunities and capabilities and new services being considered by Southern Bell for deployment in the future. This information is specifically recognized as being proprietary confidential business information pursuant to § 364.183, Florida Statutes. Notwithstanding this objection, Southern Bell will produce the responsive documents it has in its possession, custody or control, subject to its Motion for Temporary Protective Order set forth above.

9. In response to Request No. 315, Southern Bell objects to this request on the basis that the request calls for the production of documents containing proprietary confidential business information. The documents contain strategic network, market analysis and planning information relating to new network opportunities and capabilities and new services being considered by Southern Bell for deployment in the future. Also, these documents were previously produced by Southern Bell in response to Public Counsel's First Request for Production of Documents,

Item Nos. 35 and 36, in Docket No. 920385-TL. See Company Response and Objections filed June 23, 1992. Southern Bell produced these documents subject to a Motion for Protective Order consistent with the Company's position set forth herein. Public Counsel has not yet returned Southern Bell's proprietary confidential business information produced in Docket No. 920385-TL, including documents responsive to Item No. 315. Consequently, Southern Bell assumes Public Counsel still has such documents.

Respectfully submitted this 9th day of November 1992.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY



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