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ORIGINAL
FILE COPY

November 25, 1992

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

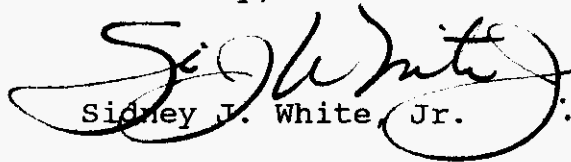
RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Thirtieth Request for Production of Documents and Motion for 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,


Sidney J. White, Jr.

ACK ✓

AFA _____

APP _____

CAT _____

CPD Enclosures

CTD _____

cc: All Parties of Record

ESP _____

A. M. Lombardo

LES W/m

H. R. Anthony

LIT 6

R. D. Lackey


OPC _____

RCM _____

SEC 1

WAS _____

OTH Kia



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CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 25th day of November 1992 to:

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

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

A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line. The signature is fluid and stylized, with a large loop at the end.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL FILE COPY

In re: Petition on Behalf of)
Citizens of the State of Florida)
to Initiate Investigation into)
Integrity of Southern Bell)
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)

Docket No. 910163-TL

Filed: November 25, 1992

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
THIRTIETH 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 Rule 1.350, Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") Thirtieth Request for Production of Documents dated October 20, 1992 and (2) pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, its Motion for Protective Order.

MOTION FOR PROTECTIVE ORDER

Some of the documents requested by Public Counsel are privileged documents. Thus, pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, Southern Bell moves the Prehearing Officer to issue a Protective Order directing that discovery not be had with respect to these privileged documents. Southern Bell's specific responses to Request Nos. 2, 4, and 5 set forth herein further specify the basis on which these documents are deemed to be

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privileged. Moreover, Public Counsel has previously requested the identical information, and Southern Bell has consistently asserted that these documents are privileged.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's "Instructions" relating to the inclusion of descriptions of the "sequence or order" of the documents to be produced. Such information is neither required when documents are produced, nor is it necessary. The "sequence or order" of the documents should be self-evident from a review of such documents.

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 repair service operations 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. 1, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

9. In response to Request No. 2, Southern Bell objects to this request on the basis that it calls for the production of a privileged document. The "1991 Operational Review Audit" performed by Company internal auditors was performed at the specific request of the Legal Department as a part of the repair service operations investigation conducted by and on behalf of attorneys for Southern Bell. The audit consists of interviews, analyses, and other documents comprising the fruits of this investigation. This audit was performed in order to assist Company attorneys in gathering information which was then used to render legal advice and counsel and formed the basis on which legal opinions were so rendered. Consequently, this document is not subject to discovery under the Work-Product Doctrine and Attorney-Client privilege, or both.

10. In response to Request No. 3, Southern Bell has already produced documents responsive to this request in response to Public Counsel's Thirty-First Request for Production of Documents, Request No. 1. The quarterly reviews already produced were the only such reviews performed, and there were no other


reviews done specifically addressing the issues of "backing up of clearing and closing times on customer trouble reports."


11. In response to Request No. 4, Southern Bell objects to this request on the basis that it calls for the production of privileged documents. This request seeks notes compiled by the Personnel Department and derived from the privileged internal investigation in order to determine whether any individual should be disciplined and to what extent. See: Southern Bell's response to Public Counsel's Twenty-Second Request for Production of Documents, Request No. 1, filed April 29, 1992.

12. In response to Request No. 5, see Southern Bell's response to Request No. 4.

Respectfully submitted this 25th day of November 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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