

CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 4th day of December, 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

Tracy Hatch

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida) Docket No. 910163-TL
to Initiate Investigation into)
Integrity of Southern Bell) Filed: December 4, 1992
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO STAFF'S TWENTY-SECOND 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 Staff's Twenty-Second Request for Production of Documents dated October 30, 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 Staff 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 response to Request No. 1 set forth herein further specifies the basis on which the documents are deemed to be privileged. Moreover, Public Counsel and Staff have already requested this identical

DOCUMENT NUMBER-DATE

14179 DEC -4 1992

FPSC-RECORDS/REPORTING

information at least three (3) times in this docket, and Southern Bell has consistently asserted that these documents are privileged. (See: Southern Bell's Response and Objections to Public Counsel's Twenty-Seventh Request for Production of Documents, filed September 2, 1992, the Company's Response and Objections to Public Counsel's Twenty-Ninth Request for Production of Documents, filed November 9, 1992, and the Company's Response and Objections to Staff's Twentieth Request for Production of Documents, filed December 4, 1992.)

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition of "you" and "your" as well as the definition of "BellSouth Telecommunications, Inc." It appears that Staff, 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 Staff 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).

2. Southern Bell objects to Staff's definition of "document" or "documents". Staff's definition of these terms is overly broad and is objectionable pursuant to standards adopted in Caribbean Security Systems v. Security Control Systems, Inc., 46 So.2d 654 (Fla. App. 3rd Dist. 1986).

3. Southern Bell objects to Staff's definition of "relating to". Staff's definition of this term is overly broad and objectionable in that a literal reading of Staff's definition of a document "relating to" a given subject could mean literally any document mentioning the subject in any way, shape, or form. Clearly, such an overly broad and unduly burdensome qualification for testing the responsiveness of documents in the context of discovery is improper and would cause the production of unnecessary, unrelated and irrelevant documents.

4. Southern Bell objects to Staff's suggestion that this request for production of documents is continuing in nature. A party who responds to a request for discovery with a response that is complete when made is under no duty to supplement such response thereafter to include information later acquired. Rule 1.280(e), Florida Rules of Civil Procedure. Consequently, Staff's suggestion that this discovery request be continuing in nature is improper and therefore objectionable.

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

SPECIFIC RESPONSES

6. In response to Request No. 1, Southern Bell objects to this request because it calls for the production of statements made by certain Company employees to Company investigators during certain internal investigations of matters also being addressed in the docket. The particular investigations were specifically

requested by the Legal Department. The statements made incident to these investigations were made to Company security personnel in anticipation of litigation regarding these matters and were the basis upon which legal opinions were rendered to Southern Bell by its attorneys. Accordingly, Southern Bell objects to the production of these statements on the basis of the attorney-client and work product privileges. Southern Bell is presently unaware of any statements made by individuals other than those statements made directly to the attorneys or the Company security personnel in connection with privileged security investigations initiated by the Legal Department.

7. In response to Request No. 2, Southern Bell has no documents responsive to this request.

8. In response to Request No. 3, Southern Bell has already produced the documents responsive to this request in response to Staff's Twenty-First Request for Production of Documents, Item No. 10.

9. In response to Request No. 4, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

10. In response to Request No. 5, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. Documents are not maintained for the 1985-1988 time period.

Respectfully submitted this 4th day of December 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

Harris R. Anthony

HARRIS R. ANTHONY (27)
PHILLIP J. CARVER
c/o Marshall M. Criser
400 - 150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555

R. Douglas Lackey

R. DOUGLAS LACKEY
SIDNEY J. WHITE, JR.
4300 - 675 West Peachtree St., N.E.
Atlanta, Georgia 30375
(404) 529-5094