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ORIGINAL  
FILE COPY

January 22, 1993

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 Staff's Twenty-Sixth Request for Production of Documents dated December 18, 1992, its Motion for Protective Order, and Notice of Intent to Request Confidential Classification which we ask that you file 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.

- ACK ✓
- AFA ✓
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG W M \_\_\_\_\_
- LIN C \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

Sincerely,

*Sidney J. White, Jr.*  
Sidney J. White, Jr. (cc)

Enclosures

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

RECEIVED & FILED  
*[Signature]*  
DIVISION OF RECORDS & REPORTING

DOCUMENT NUMBER-DATE

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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 22nd day of January, 1993 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

*Sidney J. White, Jr.*  
(es)

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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: January 22, 1993
Telephone and Telegraph Company's	)	
Repair Service Activities and	)	
Reports.	)	

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO STAFF'S TWENTY-SIXTH REQUEST FOR  
PRODUCTION OF DOCUMENTS, ITS MOTION FOR PROTECTIVE ORDER, AND  
NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

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-Sixth Request for Production of Documents dated December 18, 1992, (2) pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, its Motion for Protective Order, and (3) pursuant to Rule 25-22.006, Florida Administrative Code, its Notice of Intent to Request Confidential Classification.

MOTION FOR PROTECTIVE ORDER

Some of the documents requested by Staff in its Twenty-Sixth Request for Production of Documents are privileged documents. Specifically, Staff has requested "KSRI audit" documents that contain substantive portions of the privileged KSRI investigatory audit commissioned and supervised by the Legal Department for Southern Bell. These documents are not subject to discovery on the basis of the Attorney-Client Privilege and Work Product Doctrine, or both. Thus, pursuant to Rule 1.280(c), Florida

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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. 3 set forth herein further specifies the basis on which the documents are deemed to be privileged.

#### NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Some of the documents that will be produced for Staff in response to its Twenty-Sixth Request for Production of Documents contain information which is exempted from public disclosure pursuant to §§ 119.07 and 364.183, Florida Statutes. Specifically, some of the documents contain employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. This information is included as proprietary confidential business information under § 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative Code. Because these documents contain exempt information, Southern Bell is filing this Notice of Intent to Request Confidential Classification, pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, in order to allow Staff access to these documents without delay. The original of this Notice has been filed with the Division of Records and Reporting, and a copy has been served on the division requesting this information.

#### GENERAL RESPONSE AND OBJECTIONS

1. 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., 486 So. 2d 654 (Fla. App. 3rd District 1986).

2. Southern Bell objects to Staff's definition of "relating to." Staff's definition of this term is overly broad and objectionable in that under Staff's definition, a document "relating to" a given subject could literally mean 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.

3. 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 request that this discovery be continuing in nature is improper and therefore objectionable.

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

#### SPECIFIC RESPONSES

5. With respect to Request No. 1, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of

personal employee-specific information unrelated to compensation, duties, qualifications, or responsibilities. Notwithstanding this objection, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Company's Notice of Intent to Request Confidential Classification set forth above.

6. With respect to Request No. 2, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

7. With respect to Request No. 3, Southern Bell objects to this request on the basis that it calls for the production of documents that were generated at the direct request of, and under the supervision of, attorneys for Southern Bell. These documents were developed in anticipation of litigation 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 documents on the basis of the Attorney-Client Privilege and Work Product Doctrine. This request seeks the production of documents which Southern Bell has consistently maintained to be privileged documents in this docket, and the Company incorporates by reference herein all arguments previously made in numerous motions and responsive pleadings made in support of the Company's consistent position relating to these documents (citations omitted).

8. With respect to Request No. 4, Southern Bell has no documents responsive to this request.

9. With respect to Request No. 4(a), see Southern Bell's response to Request No. 4.

10. With respect to Request No. 5, Southern Bell has previously produced the requested documents in response to Staff's Twenty-Fourth Request for Production of Documents, Request No. 1.

11. With respect 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.

12. With respect to Request No. 7, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

13. With respect to Request No. 8(a), Southern Bell has no documents responsive to this request.

14. With respect to Request No. 8(b) & (c), Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

15. With respect to Request No. 8(d), Southern Bell has no additional documents that were not already provided in response to Public Counsel's Thirty-Second Set of Interrogatories, Item No. 4 which was also served on Staff.

16. With respect to Request No. 8(e) & (f), Southern Bell responds that the MTAS User Guide, which was previously produced in response to Staff's Third Request for Production of Documents, Request No. 6, contains the responsive information sought in this request.

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

18. With respect to Request No. 10, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

19. With respect to Request No. 11, Southern Bell has no documents responsive to this request.

20. With respect to Request No. 12, Southern Bell has no documents responsive to this request.

Respectfully submitted this 22nd day of January, 1993

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

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