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ORIGINAL
FILE COPY
COPY

March 3, 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 Public Counsel's Thirty-Eighth Request for Production of Documents dated February 1, 1993. 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.
Sidney J. White, Jr. (reg)

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU
- CTR _____
- EAG _____
- LEG 10/14
- LIN 6
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

Enclosures

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

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02390 MAR-3 83

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 3rd day of March, 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. (2)

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: March 3, 1993
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
THIRTY-EIGHTH REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Thirty-Eighth Request for Production of Documents dated February 1, 1993.

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. Also, the instruction as drafted would seek to have Southern Bell research the extent to which the privileged document was internally distributed.

2. Southern Bell objects to Public Counsel's Instruction requesting "... a description of the sequence or order of the documents..." being produced. Such a request is patently unreasonable. The "sequence or order" of documents being

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

produced is readily apparent; therefore, Public Counsel's request for a narrative description of what can be easily determined based on a review of the documents themselves is unnecessary and objectionable.

3. 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).

4. 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 be directed only 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).

5. 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.

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

SPECIFIC RESPONSES

7. With respect to Request No. 1, Southern Bell has no documents responsive to this request. The "full manual" requested was attached to Public Counsel's Thirty-Sixth Set of Interrogatories served on Southern Bell on February 1, 1993. Therefore, Public Counsel already has this particular document in its possession, custody, or control.

8. With respect to Request No. 2, Southern Bell has no documents responsive to this request.

9. With respect to Request No. 3, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

10. With respect to Request Nos. 4 and 4a, Southern Bell will produce the "new" September 1992 reports referenced by Etta Martin in her deposition of January 12, 1993. Since the "new" reports mentioned by Etta Martin were for this time frame, no such reports are being produced for 1990 or 1991. Per an agreement with Public Counsel, reports will be produced without the customers' names and addresses.

12. With respect 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. Also, see BellSouth's Practices produced in response to Request No. 10.

13. With respect to Request No. 6, examples of the same documents have already been produced in response to Request No. 4. These documents are generated in each of the twelve (12) IMCS throughout the State of Florida. If Public Counsel wishes to review specific documents covering any particular time frame or other sample, Southern Bell will make such documents available for Public Counsel's inspection where such documents are maintained or at another mutually agreeable time and place.

14. 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.

15. With respect to Request No. 8, Southern Bell will produce the listing of over two thousand four hundred (2,400) telephone numbers representing accounts responsive to this original request. In addition, pursuant to an agreement with Public Counsel clarifying and limiting additional documents sought, Southern Bell will also produce only the DLETHs associated with the August 15 - September 15, 1992 time frame for Out of Service ("OOS") (not service affecting) with receipt to clear times between 20 and 24 hours that were dispatched to outside work forces. These documents must be identified from a special computer run required to extract such documents. Therefore, Southern Bell will produce these documents as soon as they are compiled. Also, pursuant to an agreement with Public Counsel, Southern Bell will produce the DLETHs without the customers' names and addresses.

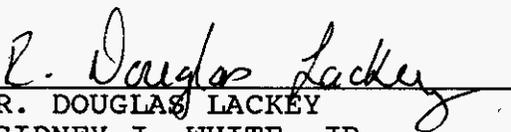
16. With respect to Request No. 9, Southern Bell will produce the responsive documents that are in its possession, custody, or control at a mutually convenient time and place. Also, Southern Bell has previously produced these documents in response to Public Counsel's Thirty-Second Request for Production of Documents.

17. With respect to Request No. 10, Southern Bell will produce the responsive document at a mutually convenient time and place. The document was inadvertently omitted from the documents produced in response to Public Counsel's Thirty-Fifth Request for Production of Documents.

Respectfully submitted this 3rd day of March, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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