

SIDNEY J. WHITE, JR.  
General Attorney

Southern Bell Telephone  
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(404) 529-5094

April 7, 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. (900960-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 Ninth Request for Production of Documents and Motion for Temporary Protective Order. 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. (01)

ACK \_\_\_\_\_

AFA 1

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMU \_\_\_\_\_

Enclosures

CTR \_\_\_\_\_

cc: All Parties of Record

A. M. Lombardo

EAG \_\_\_\_\_

H. R. Anthony

LEG 1

R. D. Lackey

LIN 6

OFC \_\_\_\_\_

RCH 1

SEC 1

WAS \_\_\_\_\_

RECEIVED & FILED

OTH \_\_\_\_\_

EPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
03800 APR-7 1993  
REC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**  
DOCKET NO. 900960-TL

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail on this 7th day of April, 1993 to:

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

Suzanne Summerlin, Esq.  
Division of Legal Services  
Florida PSC  
101 East Gaines Street  
Tallahassee, FL 32301

Sidney J. White Jr.  
(07)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause proceeding ) Docket No. 900960-TL  
against Southern Bell Telephone )  
and Telegraph Company for ) Filed: April 7, 1993  
misbilling customers )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE AND  
OBJECTIONS TO PUBLIC COUNSEL'S NINTH 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") Ninth Request for Production of  
Documents dated March 2, 1993 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<sup>1</sup> 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, trade secrets, employee personnel information

<sup>1</sup> Since Public Counsel's document request is basically a "me  
too" request mirroring Staff's Third Request for Production of  
Documents, the provisions and conditions governing the production  
of such documents will be basically the same as afforded Staff.

PRODUCTION OF DOCUMENTS

03800 APR-78

PRODUCTION/REPORTING

unrelated to compensation, duties, qualifications, or responsibilities, internal audit related information, customer-specific information, information on non-regulated and other competitive services, market research studies and analyses, advertising and special promotional campaigns, and other proprietary confidential business information. Such information is specifically included as proprietary confidential business information pursuant to §§ 119.07 and 364.183, Florida Statutes. If Public Counsel subsequently notifies Southern Bell that any of the proprietary documents that will be made available to Public Counsel for review 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 "Southern Bell". 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. The following Specific Responses are given subject to the above-stated General Responses and Objections.

### SPECIFIC RESPONSES

7. In response to Request No. 1, which requests each of the documents requested by Staff in its Third Request for Production of Documents, see Southern Bell's response to Staff's identical requests which the Company filed on March 26, 1993. Further, unless otherwise stated herein, to the extent that Southern Bell has indicated in its responses to Staff that certain documents will be produced in a certain manner or subject to the provisions of the Company's General Objections, at ¶ 1, of its Response and Objections to Staff's Third Request for Production of Documents, or subject to its Notice of Intent to Request Confidential Classification, Southern Bell will similarly produce such documents for Public Counsel also subject to these same conditions as well as subject to its Motion for Temporary Protective Order set forth above.

8. With respect to Public Counsel's request for documents sought by Staff in Request No. 38, these documents have already been produced for Public Counsel in response to Public Counsel's Twenty-Sixth Request for Production of Documents in Docket No. 920260, Request Nos. 347 and 348.

9. With respect to Public Counsel's request for documents sought by Staff in Request Nos. 54-59, these documents have already been produced for Public Counsel in response to Public Counsel's Seventh Request for Production of Documents, Request Nos. 2-7, as well as in response to Public Counsel's Eighteenth

Request for Production of Documents, Request No. 256A(i) and (ii).

10. With respect to Public Counsel's request for documents sought by Staff in Request No. 63, Southern Bell has previously produced documents responsive to this request for Public Counsel in response to Public Counsel's Seventh Request for Production of Documents, Request No. 11.

11. With respect to Public Counsel's request for documents sought by Staff in Request No. 65, Southern Bell has previously produced documents responsive to this request for Public Counsel in response to Public Counsel's Seventh Request for Production of Documents, Request No. 13.

12. With respect to Public Counsel's request for documents sought by Staff in Request No. 68, Southern Bell has previously produced documents responsive to this request for Public Counsel in response to Public Counsel's Seventh Request for Production of Documents, Request No. 16.

13. With respect to Public Counsel's request for documents sought by Staff in Request No. 69, Southern Bell has previously produced documents responsive to this request for Public Counsel in response to Public Counsel's Seventh Request for Production of Documents, Request No. 17.

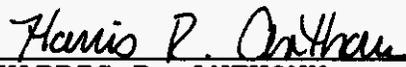
14. With respect to Public Counsel's request for documents sought by Staff in Request No. 70, Southern Bell has previously produced documents responsive to this request for Public Counsel

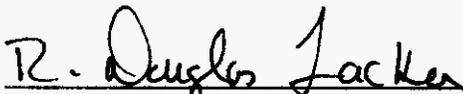
in response to Public Counsel's Seventh Request for Production of Documents, Request No. 18.

15. With respect to Public Counsel's request for documents sought by Staff in Request Nos. 71-88, these documents have already been produced twice for Public Counsel in response to Public Counsel's Eighteenth Request for Production of Documents Request Nos. 252-269, in this docket. It was Southern Bell's understanding based on discussions with Public Counsel that it would not be seeking to review these documents a third time; however if the situation has changed since the time these discussions occurred, Southern Bell will be willing to make such documents available to Public Counsel once again since the documents must also be compiled for Staff's review in conjunction with Staff's Third Request for Production of Documents.

Respectfully submitted this 7th day of April, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
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