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General Attorney

Southern Bell Telephone
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150 South Monroe Street
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920260-72

April 29, 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 Fortieth Request for Production of Documents dated March 30, 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. *(2)*

Enclosures

cc: All Parties of Record

A. M. Lombardo *1 w/m*
H. R. Anthony *6*
R. D. Lackey

WAS _____
OIH _____

[Handwritten signature]

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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 29th day of April, 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. (P2)

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: April 29, 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
FORTIETH 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") Fortieth Request for Production of Documents dated March 30, 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.

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 produced is readily apparent; therefore, Public Counsel's

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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 of documents 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 will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

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 has no documents responsive to this request.

10. With respect to Request No. 4, Southern Bell has previously produced this document in response to Public Counsel's Fifth Request for Production of Documents, Request No. 2(e) in Docket No. 910727-TL.

11. With respect to Request No. 5, Southern Bell has previously responded to this identical discovery request from Public Counsel which was propounded in Public Counsel's Fifth Request for Production of Documents, Request No. 2(f).

12. With respect to Request No. 6, Southern Bell has previously responded to this identical discovery request from Public Counsel which was propounded in Public Counsel's Fifth Request for Production of Documents, Request No. 2(h).

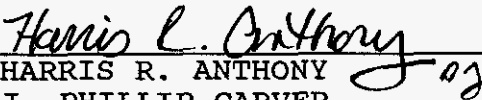
13. With respect to Request No. 7, Southern Bell objects to this request on the basis that it is overly broad and ambiguous, and Southern Bell cannot determine with reasonable certainty, based on the request as framed, what "package" Public Counsel is seeking in its request. Further, "Mr. Stewart's RF-5100 for 1991" was reviewed, and Southern Bell found no reference to the

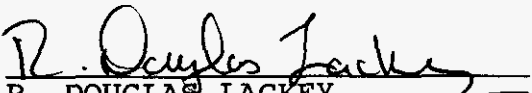
"package" referenced by Public Counsel. If Public Counsel would clarify or revise its request, Southern Bell would be willing to address any such clarification or revision as appropriate.

14. With respect to Request No. 8, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. In addition, the "technical reviews" sought in this request have been previously produced at least twice by Southern Bell in this docket: first in response to Public Counsel's First Request for Production of Documents, Request No. 1, then again in response to Public Counsel's Fourth Request for Production of Documents, Request No. 1.

Respectfully submitted this 29th day of April, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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