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May 5, 1993

920260-TL

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) & (910727-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 Thirty-Third Request for Production of Documents dated March 31, 1993, which we ask that you file in the above-captioned dockets.

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. (e2)

ACK

AFA

APP

CAF

CMU

CTI Enclosures

ENG cc: All Parties of Record

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WAS

OTH

RECEIVED & FILED  
*MS*  
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04913 MAY-5 83

FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**

**Docket No. 920260-TL**  
**Docket No. 900960-TL**  
**Docket No. 910163-TL**  
**Docket No. 910727-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 5th day of May, 1993 to:

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Sidney J. White, Jr. (02)

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 )  
Telephone and Telegraph Company's )  
Repair Service Activities and )  
Reports. )  
\_\_\_\_\_ )

In re: Investigation into )  
Southern Bell Telephone and ) Docket No. 910727-TL  
Telegraph Company's compliance )  
with Rule 25-4.110(2), F.A.C., ) Filed: May 5, 1993  
Rebates. )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO STAFF'S THIRTY-THIRD  
REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and pursuant to Rule 25-22.034 Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, files its Response and Objections to Staff's Thirty-Third Request for Production of Documents dated March 31, 1993.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition of "you" and "your" as well as the definition of "BellSouth." 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. Requests for Production may be directed only 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).

DOCUMENT NUMBER-DATE

04913 MAY-58

FPSC-RECORDS/REPORTING

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

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 request that this discovery 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. 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. Pursuant to an agreement with Staff, the documents will be produced with the customer's name, address, and other personally identifiable information redacted.

7. With respect to Request No. 2, see Southern Bell's response to Request No. 1.

8. With respect to Request No. 3, see Southern Bell's response to Request No. 1.

9. With respect to Request No. 4, see Southern Bell's response to Request No. 1.

10. With respect to Request No. 5, see Southern Bell's response to Request No. 1.

11. With respect to Request No. 6, see Southern Bell's response to Request No. 1.

12. With respect to Request No. 7, see Southern Bell's response to Request No. 1.

13. With respect to Request No. 8, see Southern Bell's response to Request No. 1.

11. With respect to Request No. 9, see Southern Bell's response to Request No. 1.

12. With respect to Request No. 10, see Southern Bell's response to Request No. 1.

Respectfully submitted this 5th day of May, 1993.

SOUTHERN BELL TELEPHONE  
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