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June 4, 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 920260-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-Fourth Request for Production of Documents dated April 30, 1993, 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.

Sincerely,

Sidney J. White, Jr.
Sidney J. White, Jr. (e2)

Enclosures

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

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1100 REVENUE/MAIL DIVISION

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 4th day of June, 1993 to:

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Sid J White Jr.
(21)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida)
to Initiate Investigation into)
Integrity of Southern Bell) Docket No. 910163-TL
Telephone and Telegraph Company's)
Repair Service Activities and) Filed: June 4, 1993
Reports)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO STAFF'S THIRTY-FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS 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 Thirty-Fourth Request for Production of Documents dated April 30, 1993, and pursuant to Rule 25-22.006, Florida Administrative Code, its Notice of Intent to Request Confidential Classification.

NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Some of the documents that will be produced for Staff in response to its Thirty-Fourth Request for Production of Documents contain information which is exempt from public disclosure pursuant to §§ 119.07 and 364.183, Florida Statutes. Specifically, some of the documents contain vendor specific product user manuals and other contract related information including proprietary and confidential communications between BellSouth Telecommunications, Inc. and its vendors. This

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information is included as proprietary confidential business information under § 364.183(3) and (3)(d), 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 "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).

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 is 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 objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of vendor specific product user manuals. This information is considered proprietary, confidential business information pursuant to Section 364.183(3) and (3)(d), Florida Statutes.

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.

7. With respect to Request No. 2, Southern Bell objects on the basis that the request as framed calls for "all correspondence" between Southern Bell and any vendor manufacturer of Craft Access Terminals (CATs) used by the Company regardless of whether or not the correspondence relates to the provision of CATs or not. Clearly, such an overly broad request is objectionable and would require Southern Bell to search for all correspondence between the applicable vendors and Southern Bell on any and all subjects, whether relevant or not to this discovery request. Notwithstanding this objection, Southern Bell will produce all correspondence from its CATs vendors that pertain to the CATs identified in the Staff request, subject to the Company's Notice of Intent to Request Confidential Classification set forth above. The responsive correspondence contains contract information and other confidential vendor/client information which is expressly considered to be proprietary confidential business information pursuant to Section 364.183(3) and (3)(d), Florida Statutes.

8. 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. Pursuant to

an agreement with Staff, the documents will be produced with the customer's name, address and other personally identifiable information deleted.

9. With respect to Request No. 4, 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 deleted.

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