

NANCY B. WHITE
General Attorney

Southern Bell Telephone
and Telegraph Company
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(404) 529-5387

June 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. 920260-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-Second Request for Production of Documents and Motion for Temporary Protective Order. Please file this document 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,

Nancy B. White
Nancy B. White (P2)

ACK
AFA
APP
CAF
Enclosures

CTB
cc: All Parties of Record
EAG A. M. Lombardo
LEG H. R. Anthony
 R. D. Lackey
LIN
OPC
RCH
SEQ
WAS
OTH

DOCUMENT NUMBER-DATE
06106 JUN-7 93

1700 RECORDS/REPORT 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 7th day of June, 1993 to:

Robin Norton
Division of Communications
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, FL 32399-0866

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

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Michael J. Henry
MCI Telecommunications Corp.
MCI Center
Three Ravinia Drive
Atlanta, Georgia 30346-2102

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
315 South Calhoun Street
Suite 716
Tallahassee, Florida 32301
atty for FIXCA

Richard D. Melson
Hopping Boyd Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314
atty for MCI

Joseph Gillan
J. P. Gillan and Associates
Post Office Box 541038
Orlando, Florida 32854-1038

Rick Wright
Regulatory Analyst
Division of Audit and Finance
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0865

Patrick K. Wiggins
Wiggins & Villacorta, P.A.
Post Office Drawer 1657
Tallahassee, Florida 32302
atty for Intermedia and Cox

Peter M. Dunbar
Haben, Culpepper, Dunbar
& French, P.A.
306 North Monroe Street
Post Office Box 10095
Tallahassee, FL 32301
atty for FCTA

Laura L. Wilson, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

Chanthina R. Bryant
Sprint
3065 Cumberland Circle
Atlanta, GA 30339

Michael W. Tye
AT&T Communications of the
Southern States, Inc.
106 East College Avenue
Suite 1410
Tallahassee, Florida 32301

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302
atty for FCAN

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom
& Ervin
305 South Gadsen Street
Post Office Drawer 1170
Tallahassee, Florida 32302
atty for Sprint

Florida Pay Telephone
Association, Inc.
c/o Mr. Lance C. Norris
President
Suite 202
8130 Baymeadows Circle, West
Jacksonville, FL 32256

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Bill L. Bryant, Jr., Esq.
Foley & Lardner
Suite 450
215 South Monroe Street
Tallahassee, FL 32302-0508
Atty for AARP

Michael B. Twomey
Assistant Attorney General
Department of Legal Affairs
Room 1603, The Capitol
Tallahassee, FL 32399-1050

Mr. Douglas S. Metcalf
Communications Consultants,
Inc.
631 S. Orlando Ave., Suite 250
P. O. Box 1148
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Office of the Judge
Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Mr. Michael Fannon
Cellular One
2735 Capital Circle, NE
Tallahassee, FL 32308

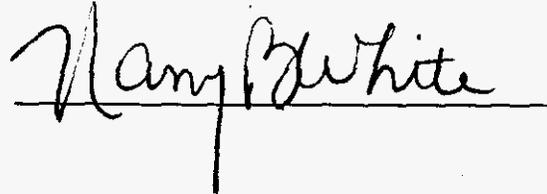
Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
Post Office Box 1876
Tallahassee, FL 32302-1876
Atty for McCaw Cellular

Angela Green
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Stan Greer
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Suzanne Summerlin
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Harold McLean
Assistant Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

A handwritten signature in cursive script that reads "Nancy White". The signature is written in black ink and is positioned above a solid horizontal line.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: June 7, 1993
Company)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
THIRTY-SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR 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 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Thirty-Second Request for Production of Documents dated April 19, 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 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, information concerning unregulated operations, strategic plans, and market research and analysis. Such information is specifically included as proprietary

DOCUMENT NUMBER-DATE

06106 JUN-78

FLORIDA RECORDS/REGISTRATION

confidential business information pursuant to § 364.183, Florida Statutes. If Public Counsel subsequently notifies Southern Bell that any of the proprietary documents 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. Notwithstanding this objection, Southern Bell will provide a general description of any material withheld due to an applicable privilege.

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). Notwithstanding this objection, Southern Bell has conducted a good faith and reasonable search for all documents responsive to Public Counsel's Request for Production of Documents.

3. 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.

4. 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.

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

SPECIFIC RESPONSES

6. With respect to Request No. 405, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

7. With respect to Request No. 406, Southern Bell objects to this request on the basis that the request is overly broad and unduly burdensome and oppressive. Notwithstanding this objection, Southern Bell will produce the transaction journals for inspection by Public Counsel, at a mutually convenient time, at the place where such documents are maintained in the normal course of business. The inspection will be subject to the Motion for Temporary Protective Order set forth above.

8. With respect to Request No. 407, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

9. With respect to Request No. 408, 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 No. 409, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order.

11. With respect to Request No. 410, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

12. With respect to Request No. 411, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order.

13. With respect to Request No. 412, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order.

14. With respect to Request No. 413, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order.

15. With respect to Request No. 414, Southern Bell objects to this request on the basis that the request is overly broad and unduly burdensome and oppressive. The materials involved are contained in approximately 14 file drawers. Notwithstanding this objection, Southern Bell will produce examples of the form used for all buy back agreements subject to the Motion for Temporary Protective Order set forth above.

16. With respect to Request No. 415, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

17. With respect to Request No. 416, Southern Bell has no documents responsive to this request.

18. With respect to Request No. 417, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

19. With respect to Request No. 418, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

20. With respect to Request No. 419, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

21. With respect to Request No. 420, Southern Bell will produce responsive documents that are in its possession, custody,

or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

22. With respect to Request No. 421, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

23. With respect to Request No. 422, Southern Bell refers Public Counsel to Southern Bell's response to Request No. 419 with regard to responsive documents relative to Southern Bell. With regard to BellSouth Corporation, Southern Bell avers that it has no responsive documents. Southern Bell objects to the remainder of the request inasmuch as it seeks information which is not relevant to this proceeding and is not reasonably calculated to lead to the production of relevant information. In addition, Southern Bell objects to the remainder of Request No. 422 on the basis that responsive documents thereto are not in the possession, custody or control of Southern Bell.

24. With respect to Request No. 423, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. In addition, Southern Bell refers Public Counsel to Southern Bell's response to Request No. 441.

25. With respect to Request No. 424, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's Request for Production of Documents Item Nos. 462 and 464, and

Southern Bell's response to Public Counsel's Twenty-Third Set of Interrogatories, Item No. 492.

26. With respect to Request No. 425, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

27. With respect to Request No. 426, Southern Bell will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place relative to BellSouth Corporation and Southern Bell Telephone Company. Southern Bell objects to the remainder of the request inasmuch as it seeks information which is not relevant to this proceeding and is not calculated to lead to the production of relevant information. In addition, Southern Bell objects to the remainder of Request No. 426 on the basis that responsive documents thereto are not in the possession, custody or control of Southern Bell.

28. With respect to Request No. 427, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

29. With respect to Request No. 428, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

30. With respect to Request No. 429, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

31. With respect to Request No. 430, Southern Bell objects to this request on the basis that the request is overly broad and unduly burdensome and oppressive. Responding to the request would encompass a search of literally each work center, not only in the state of Florida, but company-wide. Such a search would involve hundreds of locations.

32. With respect to Request No. 431, Southern Bell will produce at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above, only those documents in its possession, custody, or control that have not been previously produced to Public Counsel. With respect to those previously produced documents responsive to this Request, Southern Bell refers Public Counsel to Public Counsel's Eighteenth Request for Production of Documents and Public Counsel's Ninth Request for Production of Documents in Docket No. 900960-TL.

33. With respect to Request No. 432, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

34. With respect to Request No. 433, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

35. With respect to Request No. 434, Southern Bell will produce responsive documents that are in its possession, custody,

or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

36. With respect to Request No. 435, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. In addition, Southern refers Public Counsel to Southern Bell's response to Public Counsel's Third Request for Production of Documents, Item No. 38; Public Counsel's Thirteenth Request for Production Documents, Item No. 164; and Public Counsel's Fourteenth Request for Production of Documents, Item No. 190.

37. With respect to Request No. 436, Southern Bell objects to this request, in part, on the basis that some responsive documents are not in the possession, custody or control of Southern Bell. With respect to those documents that are in Southern Bell's possession, custody, or control, Southern Bell will produce these documents at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

38. With respect to Request No. 437, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

39. With respect to Request No. 438, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. In addition,

Southern Bell refers Public Counsel to Public Counsel's Twenty-Third Set of Interrogatories, Item No. 517.

40. With respect to Request No. 439, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

41. With respect to Request No. 440, Southern Bell refers Public Counsel to Request No. 437 and Public Counsel's Twenty-Third Set of Interrogatories, Item No. 575.

42. With respect to Request No. 441, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

43. With respect to Request No. 442, Southern Bell has no documents responsive to this request.

44. With respect to Request No. 443, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

45. With respect to Request No. 444, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

46. With respect to Request No. 445, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

47. With respect to Request No. 446, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

48. With respect to Request No. 447, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

49. With respect to Request No. 448, Southern Bell refers Public Counsel to Southern Bell's response to Request No. 446.

50. With respect to Request No. 449, Southern Bell has no documents responsive to this request.

51. With respect to Request No. 450, Southern Bell has no documents responsive to this request.

52. With respect to Request No. 451, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

53. With regard to Request No. 452, Southern Bell refers Public Counsel to Southern Bell's response to Request No. 446.

54. With respect to Request No. 453, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

55. With respect to Request No. 454, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

56. With respect to Request No. 455, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

57. With respect to Request No. 456, Southern Bell has no documents responsive to this request.

58. With respect to Request No. 457, Southern Bell has no documents responsive to this request.

59. With respect to Request No. 458, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

60. With respect to Request No. 459, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

61. With respect to Request No. 460, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. In addition, Southern Bell refers Public Counsel to Southern Bell's response to Item No. 530 of Public Counsel's Twenty-Third Set of Interrogatories.

62. With respect to Request No. 461, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

63. With respect to Request No. 462, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

64. With respect to Request No. 463, Southern Bell objects to this request on the basis that it is overly broad, unduly

burdensome and oppressive. The retention period for these documents is approximately three months. In order to determine whether any still exist for the dates in question would require a search of hundreds of individual work centers, both in Florida and Company-wide.

65. With respect to Request No. 464, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

66. With respect to Request No. 465, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's Twenty-Third Set of Interrogatories, Item No. 511.

67. With respect to Request No. 466, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's Twenty-Third Set of Interrogatories, Item No. 511.

68. With respect to Request No. 467, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

69. With respect to Request No. 468, Southern Bell objects to this request as overly broad and unduly burdensome and oppressive. The material involved encompasses approximately 23 file drawers and consists mainly of filings made in various dockets before the Federal Communications Commission by various parties. Notwithstanding this objection, Southern Bell will produce these documents for inspection by Public Counsel at a mutually convenient time at the place where such documents are

maintained in the normal course of business. The inspection will be subject to the Motion for Temporary Protective Order set forth above. In addition, Southern Bell is presently involved in the following lawsuits which contain antitrust claims:

Linda Davis, et al. v. Southern Bell Telephone & Telegraph Company, Civil Action No. 89-2839-NESBITT, United States District Court, Southern District of Florida, Miami Division.

Bernice Porter, et al. v. BellSouth Telecommunications, Inc., d/b/a South Central Bell, Civil Action No. W92-0052(B)(N), United States District Court, Southern District of Mississippi, Western Division.

Cleo Stinnett, et al. v. BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company, Civil Action No. 2-92-207, United States District Court, Eastern District of Tennessee at Greenville.

Frances Young, et al. v. BellSouth Telecommunications, Inc., d/b/a South Central Bell, Civil Action No. CV-92-0542-RV-S, United States District Court, Southern District of Alabama, Southern Division.

American Sharecom, Inc., et al. v. Southern Bell Telephone & Telegraph Company, et., Civil Action No. 87-1334 (NHJ), United States District Court for the District of Columbia.

Sundarrajan v. NYNEX, et al., Civil Action No. 92-0366(SSH), United States District court for the District of Columbia.

Griswold v. AT&T, et al., Nos. 89-3079 and 89-3030, United States Court of Appeals for the Seventh Circuit.

Weber, et al. v. BellSouth Telecommunications, Inc., Civil Action No. 92-499, Circuit Court of Shelby County, Alabama.

James Strong v. BellSouth Telecommunications, Inc. d/b/a South Central Bell, No. 30,612, Fifth Judicial District Court, Louisiana.

BellSouth Advertising & Publishing Company v. American Business Lists, Inc., Civil Action No. 1:90-CV-149-MHS, United States District Court for the Northern District of Georgia.

John H. McCoy v. BellSouth Corporation, et al., Case No. 90-6616-CIV-GONZALEZ, United States District Court for the Southern District of Florida.

Southern Bell objects to producing the pleadings from these lawsuits as it would be voluminous and unduly burdensome.

70. With respect to Request No. 469, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

71. With respect to Request No. 470, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

72. With respect to Request No. 471, Southern Bell has no documents responsive to this request.

Respectfully submitted this 7th day of June, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

Harris R. Anthony

HARRIS R. ANTHONY

J. PHILLIP CARVER

c/o Marshall M. Criser

400 - 150 South Monroe Street

Tallahassee, Florida 32301

(305) 530-5555

R. Douglas Lackey

R. DOUGLAS LACKEY

NANCY B. WHITE

4300 - 675 West Peachtree St., N.E.

Atlanta, Georgia 30375

(404) 529-5387