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FILE COPY

June 25, 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 is an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Thirty-Seventh 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.

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- OTH

Sincerely,

*Sidney J. White, Jr.*  
Sidney J. White, Jr. (e)

Enclosures

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

EPSC-BUREAU OF RECORDS

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**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 25th day of June, 1993 to:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of )  
the Revenue Requirements and Rate )  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph )  
Company )

Docket No. 920260-TL

Filed: June 25, 1993

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SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE  
AND OBJECTIONS TO PUBLIC COUNSEL'S THIRTY-SEVENTH 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, pursuant to Rules 25-22.034 and 25-22.006, Florida Administrative Code, Rule 1.350, Florida Rules of Civil Procedure, 1) its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Thirty-Seventh Request for Production of Documents dated May 21, 1993 and 2) 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, employee specific information unrelated to normal compensation, duties, qualifications and responsibilities, and other proprietary confidential business information. Such information is specifically included as proprietary confidential

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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.

2. With regard to Public Counsel's definition of "document" or "documents", Southern Bell has made a diligent, good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

3. 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).

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.

#### SPECIFIC RESPONSES

5. With respect to Request No. 518, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. Documents responsive to this request could exist in all nine BellSouth states. The time and resources required to gather, copy and transmit these documents would unnecessarily disrupt the Company's normal business operations. Notwithstanding this objection, Southern Bell has gathered summary documents which are readily available for Public Counsel's review. If after review of these documents, Public Counsel desires to review more documents, Southern Bell will make responsive documents available for Public Counsel's inspection and copying at mutually agreeable times where such records are maintained in the normal course of business.

6. Request No. 519, 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. 520, 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. 521, 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. 522, Southern Bell has already produced documents responsive to this request in response to Public Counsel's First Request for Production of Documents, Item Nos. 4 and 15 and Public Counsel's Third Request for Production of Documents, Item Nos. 62 and 69.

10. With respect to Request No. 523, Southern Bell objects to this request on the basis that it calls for the production of proprietary business confidential information in the form of employee-specific information unrelated to normal compensation, duties, qualifications and responsibilities. Notwithstanding this objection, the Company will produce documents in its possession, custody or control at a mutually agreeable time and place subject to the Company's Motion for Temporary Protective Order set forth above.

11. With respect to Request No. 524, 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. 525, see Southern Bell's response to Public Counsel's Twenty-Eighth Set of Interrogatories, Item No. 625.

Respectfully submitted this 25th day of June, 1993.

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