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July 6, 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-Ninth Request for Production of Documents and its Motion for A 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,

Sidney J. White, Jr.
Sidney J. White, Jr.

Enclosures

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

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DOCUMENT NUMBER-DATE

07168 JUL-68

FD-302-RECORDS/REPORTING

APR 1
MAY 1
JUN 1
JUL 1
AUG 1
SEP 1
OCT 1
NOV 1
DEC 1

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 6th day of July, 1993 to:

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Lickey J. White, Jr.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate)
Stabilization Plan of Southern) Docket No. 920260-TL
Bell Telephone and Telegraph)
Company) Filed: July 6, 1993
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
THIRTY-NINTH REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR A 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 Rules 25-22.034, Florida Administrative Code, Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Thirty-Ninth Request for Production of Documents dated June 4, 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

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other things, detailed network deployment plans and specific cost data relating thereto, vendor pricing information associated with specific network deployment activities of Southern Bell, specific network architecture plans relating to these deployment activities, and vendor-specific plans for future product implementation. Such information is specifically included as proprietary confidential business information pursuant to § 364.183(3)(a) and (d) and (e), 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.

5. 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.

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

SPECIFIC RESPONSES

7. With respect to Request No. 540, Southern Bell has previously produced documents responsive to this request in

response to Public Counsel's First Request for Production of Documents, Request No. 1 and in response to Public Counsel's Fourth Request for Production of Documents, Request Nos. 1 and 2 in Docket No. 910163-TL.

8. With respect to Request No. 541, see response to Request No. 540.

9. With respect to Request No. 542, Southern Bell has previously produced the responsive document in response to Public Counsel's First Request for Production of Documents, Request Nos. 7 and 25 in Docket No. 920385-TL.

10. With respect to Request No. 543, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of detailed network deployment plans and specific cost data related thereto. This information is proprietary pursuant to Section 364.183(3)(e), 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 Motion for Temporary Protective Order set forth above.

11. With respect to Request No. 544, Southern Bell objects to this request on the basis that it calls for the production of ("PCBI") in the form of vendor pricing information associated with specific network deployment activities of Southern Bell, and specific network architecture plans relating to these deployment activities. This information is proprietary pursuant to Section

364.183(3)(a) and (e), 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 Motion for Temporary Protective Order set forth above.

12. With respect to Request No. 545, Southern Bell objects to this request on the basis that it calls for the production of ("PCBI") in the form of vendor-specific plans for future product implementation and Southern Bell's specific network architecture plans. This information is proprietary pursuant to Section 364.183(3)(a), (d) and (e), 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 Motion for Temporary Protective Order set forth above.

13. With respect to Request No. 546, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

14. With respect to Request No. 547, Southern Bell will produce its "planning view" for 1993, 1994 and 1995. Southern Bell has no documents responsive to the second portion of this request.

Respectfully submitted this 6th day of July, 1993.

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