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August 9, 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 Forty-First 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,

Nancy B. White
Nancy B. White (02)

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- APP
- CAF
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- RCH
- SEC
- WAS
- DTH

Enclosures

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

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28
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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 9th day of August, 1993 to:

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Nancy B. White (07)

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: August 9, 1993
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
FORTY-FIRST 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") Forty-First Request for Production of Documents dated July 9, 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, financial information relating to non-regulated interests, and other proprietary confidential business

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information. Such information is specifically included as proprietary 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. 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. 562, 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. 563, 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 Motion for Temporary Protective Order set forth above. In addition, Southern Bell refers Public Counsel to the documents produced in response to Public Counsel's Third Request for Production of Documents, Request No. 470.

9. With respect to Request No. 564, 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.

10. With respect to Request No. 565, 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 documents for review by Public Counsel, at a mutually convenient time, in Atlanta, Georgia where such documents are maintained in the normal course of business.

11. With respect to Request No. 566, 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. 567, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

13. With respect to Request No. 568, 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.

14. With respect to Request No. 569, 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.

15. With respect to Request No. 570, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

16. With respect to Request No. 571, 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. 572, Southern Bell will produce the audit requested at a mutually convenient time and place, subject to the Motion for Temporary Protective Order set forth above. With respect to the audit workpapers, this material is presently in the possession of the Commission Staff for review and inspection. When the materials are returned to Southern Bell, Public Counsel may review it at a mutually convenient time in Atlanta, Georgia where the documents are maintained in the normal course of business, subject to the Motion for Temporary Protective Order.

18. With respect to Request No. 573, Southern Bell will produce the audit requested at a mutually convenient time and place, subject to the Motion for Temporary Protective Order set forth above. With respect to the audit workpapers, this material is presently in the possession of the Commission Staff for review and inspection. When the materials are returned to Southern

Bell, Public Counsel may review it at a mutually convenient time in Atlanta, Georgia where the documents are maintained in the normal course of business, subject to the Motion for Temporary Protective Order filed herein.

19. With respect to Request No. 574, 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. 575, Southern Bell has no documents responsive to this request.

21. With respect to Request No. 576, 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 documents for review by Public Counsel, at a mutually convenient time, in Atlanta, Georgia where such documents are maintained in the normal course of business.

22. With respect to Request No. 577, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

23. With respect to Request No. 578, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

24. With respect to Request No. 579, Southern Bell objects to providing the requested information on the grounds that such information is neither relevant nor reasonably calculated to lead

to the discovery of admissible evidence. Notwithstanding this objection, Southern Bell will provide the force totals used in the determination of allocation factors at a mutually convenient time and place.

25. With respect to Request No. 580, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

26. With respect to Request No. 581, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

27. With respect to Request No. 582, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

28. With respect to Request No. 583, Southern Bell has no responsive documents in its possession, custody, or control.

29. With respect to Request No. 584, 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.

30. With respect to Request No. 585, 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. 586, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

32. With respect to Request No. 587, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

33. With respect to Request No. 588, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

34. With respect to Request No. 589, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

35. With respect to Request No. 590, Southern Bell has no responsive documents in its possession, custody, or control. The figure mentioned in Request No. 590 is the rate of return prescribed by the Federal Communications Commission in CC Docket No. 89-624.

36. With respect to Request No. 591, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

37. With respect to Request No. 592, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

38. With respect to Request No. 593, 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. 594, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

40. With respect to Request No. 595, 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. 596, 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 the documents produced in response to Public Counsel's Fourth Request for Production of Documents.

42. With respect to Request No. 597, 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 the documents produced in response to Public Counsel's First Request for Production of Documents, Item No. 18 and Second Request for Production of Documents, Item No. 32

43. With respect to Request No. 598, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

44. With respect to Request No. 599, 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.

45. With respect to Request No. 600, 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.

46. With respect to Request No. 601, 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 the documents produced in response to Item No. 596.

47. With respect to Request No. 602, 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.

48. With respect to Request No. 603, 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.

49. With respect to Request No. 604, 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.

50. With respect to Request No. 605, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

51. With respect to Request No. 606, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

52. With respect to Request No. 607, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

53. With respect to Request No. 608, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

54. With respect to Request No. 609, legal bills and associated vouchers are not used to determine the split between regulated and nonregulated legal charges. Rather, the determination of whether a particular charge relates to a regulated or nonregulated matter is made independent from the preparation of a legal bill and associated voucher and is based upon the nature of the underlying matter. Thus, except insofar as a given voucher may reflect the splitting of a given bill between regulated and nonregulated, Southern Bell has no documents responsive to Request No. 609.

55. With respect to Request No. 610, 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 filed herein. To the extent that Request No. 610 seeks the calendars of Southern Bell attorneys, by agreement with Public Counsel, Southern Bell will not provide same.

56. With respect to Request No. 611, 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. 612, Southern Bell refers Public Counsel to the documents produced in response to Public Counsel's Thirty-Second Request for Production of Documents, Item No. 428.

58. With respect to Request No. 613, Southern Bell has no documents responsive to this request.

59. With respect to Request No. 614, 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. 615, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

61. With respect to Request No. 616, 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.

62. With respect to Request No. 617, 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. 618, 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.

64. With respect to Request No. 619, Southern Bell refers Public Counsel to the documents produced in response to Public Counsel's Fortieth Request for Production of Documents, Item No. 553.

65. With respect to Request No. 620, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

66. With respect to Request No. 621, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

67. With respect to Request No. 622, Southern Bell refers Public Counsel to the documents produced in response to Public Counsel's Twenty-Seventh Request for Production of Documents, Item Nos. 358 and 364.

68. With respect to Request No. 623, 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 the documents produced in response to Item No. 630.

69. With respect to Request No. 624, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

70. With respect to Request No. 625, 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.

71. With respect to Request No. 626, 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. 627, 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 documents for review by Public Counsel, at a mutually convenient time, where such documents are maintained in the normal course of business. Such documents are maintained in offices in all nine states of BellSouth Telecommunications, Inc.

73. With respect to Request No. 628, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

74. With respect to Request No. 629, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

75. With respect to Request No. 630, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

76. With respect to Request No. 631, 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.

77. With respect to Request No. 632, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

78. With respect to Request No. 633, Southern Bell refers Public Counsel to the documents produced in response to Item No. 632.

79. With respect to Request No. 634, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

80. With respect to Request No. 635, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

81. With respect to Request No. 636, 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.

82. With respect to Request No. 637, 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.

83. With respect to Request No. 638, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

84. With respect to Request No. 639, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

Respectfully submitted this 9th day of August, 1993.

SOUTHERN BELL TELEPHONE
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