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ORIGINAL
FILE

August 31, 1993

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

920260-TL

RE: Docket No. (900960-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 Fourth Request for Production of Documents. 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.

- ACK
- AEA _____
- AFP _____
- CAF _____
- CEB
- CTR _____
- EAG _____
- LES 1 w/m
- LSI 6 Enclosures
- OTC _____
- PSI 1
- SEC 1
- WAS _____
- OTH _____

Sincerely,

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

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

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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 31st day of August, 1993 to:

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Sidney J. White, Jr.
(02)

In re: Show Cause proceeding)	Docket No. 900960-TL
against Southern Bell Telephone)	
and Telegraph Company for)	Filed: August 31, 1993
Misbilling Customers)	
)	

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO STAFF'S FOURTH
REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 25-22.006(3)(a), Florida Administrative Code, its Response and Objections to Staff's Fourth Request for Production of Documents dated July 27, 1993.

GENERAL OBJECTIONS

1. Southern Bell objects to Staff's overly broad definition of documents "relating to" a given subject. An application of such a broad definition of responsive documents would have the effect of causing the production of unnecessary, irrelevant, and unrelated documents. Read literally, documents "relating to" a particular subject could be any piece of paper mentioning the subject matter in any manner whatsoever. Consequently, such a qualification for responsive documents is overly broad and therefore objectionable.

2. Southern Bell objects to Staff's definition of "you" and "your." It appears that Staff, through its definition of these words, is attempting to obtain discovery of information in

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the possession, custody, or control of entities that are not parties to this docket. Requests for Production may only be directed 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).

3. Southern Bell objects to Staff's definition of "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., 46 So.2d 654 (Fla. App. 3rd Dist. 1986).

4. Southern Bell objects to Staff's request that this discovery be "continuing" in nature. Pursuant to Rule 1.280(e), Florida Rules of Civil Procedure, a party who responds to a discovery request with a response that is complete when provided is under no obligation to thereafter supplement such response with information later acquired. Consequently, Staff's suggestion that this discovery be continuing is improper and objectionable.

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

SPECIFIC RESPONSES

6. In response to Request No. 97, Southern Bell already produced the only document referenced in response to Staff's Fourth Set of Interrogatories, as a part of that Interrogatory

response. This document accurately describes the operations of the QUEST (Quality Efficiency Skills Team).

7. In response to Request No. 98, as similarly indicated in Southern Bell's response to Staff's Third Request for Production of Documents, Request Nos. 42, 54 and 57, the Company objects to this request on the basis that it is overly burdensome and unduly oppressive. In addition, the Company has previously produced some of the responsive documents that existed for the time periods covered in this document request, and offered these documents for Staff's review at the offices of Holland and Knight in Miami, Florida, where such documents were maintained. See Southern Bell's Response and Objections to Staff's Third Request for Production of Documents, dated March 26, 1993. To the extent this document request overlaps with this previous production, Southern Bell has already complied with the request previously. With regard to any documents that may have been created after April, 1992, Southern Bell produced updates to some of these documents in March, 1993. In addition, other responsive documents could exist in at least 21 different service centers throughout the State of Florida, and in the files of over 220 Managers and Assistant Managers, as well as in the files of over 2,000 service reps. The time, effort, labor and cost to locate, compile, copy, and produce these documents would unnecessarily impede Southern Bell's normal business operations. While liberal construction is to be given to the rules of discovery, requests to produce must not be so excessive so as to

be unduly burdensome to the party asked to produce documents.

Argonaut v. Peralta, 358 So.2d 232 (Fla. 3d DCA 1978).

Notwithstanding the above-stated objections, Southern Bell would be amenable to making these responsive documents available for review by Staff where they are maintained in the normal course of business. If, after review of these documents, Staff desires to take possession, custody or control of any information contained in such documents, Southern Bell reserves the right at that time to file an appropriate Notice of Intent to Request Confidential Classification for any proprietary confidential business information for which Staff desires to take possession.

8. In response to Request No. 99, Southern Bell objects to this request on the basis that it is overly broad and ambiguous. Southern Bell cannot determine with any reasonable certainty which documents would be responsive to this request. Staff has requested documents "related to" sale, marketing, subscription, purchase, or cancellation of "optional services". Read literally, this request could encompass practically every operational document in the Company's residence and business service centers in Florida and elsewhere. Consequently, Southern Bell also objects to this request on the basis that it is overly burdensome and oppressive. Notwithstanding the above-stated objections, in an attempt to be responsive, Southern Bell will make available for review any additional documents in its possession, custody, or control which have not already been produced and which it believes to be responsive to this request

at a mutually convenient time where such documents are maintained in the normal course of business. If, after review of these documents, Staff desires to take possession, custody or control of any information contained in such documents, Southern Bell reserves the right at that time to file an appropriate Notice of Intent to Request Confidential Classification for any proprietary confidential business information for which Staff desires to take possession. Also, Southern Bell has previously produced documents it believes to be responsive to this request in response to Staff's Second Request for Production of Documents and Staff's Third Request for Production of Documents, Request No. 57.

9. In response to Request No. 100, Southern Bell will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

10. In response to Request No. 101, Southern Bell objects to this request on the basis that it is overly burdensome and unduly oppressive. Responsive documents could exist in 21 different Residence Manager Units and 4 different Business Manager Units throughout Florida. In addition, extensive training materials are also maintained by the Training Department and Headquarters Staff in Atlanta, Georgia. The time, resources, effort and cost associated with locating, compiling, copying and producing such voluminous documents would unnecessarily impede Southern Bell's normal business operations and is therefore objectionable. Argonaut v. Peralta, 358 So.2d 232 (Fla. 3d DCA

1978). Notwithstanding these objections, Southern Bell would be amenable to making these responsive documents available for review by Staff where they are maintained in the normal course of business. If, after its initial review of these documents, Staff wishes to take possession, custody or control of any of the information contained in such documents, Southern Bell reserves the right at that time to file an appropriate Notice of Intent to Request Confidential Classification for any proprietary confidential business information for which Staff desires to take possession.

11. In response to Request No. 102, see Southern Bell's responses to Request Nos. 98 and 99.

12. In response to Request No. 103, Southern Bell has no responsive documents. The "operating standards" mentioned in the Company's response to Staff's Third Request for Production of Documents, Request No. 42, referred to the operational characteristics of optional services that might be discussed with a customer during a sales contact, and not information relating to the representatives' interaction with the customer. There is no "operating standard" that relates to the structure of a sales contact.

13. In response to Request No. 104, Southern Bell has no documents responsive to this request.

14. In response to Request No. 105, Southern Bell will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

15. In response to Request No. 106, Southern Bell will produce several responsive documents that it cannot be certain were previously produced. Otherwise, responsive documents have been previously produced in response to Staff's previous requests for training materials.

16. In response to Request No. 107, 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. 108, this item is not applicable.

Respectfully submitted this 31st day of August, 1993.

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