

ORIGINAL
FILE COPY

SIDNEY J. WHITE, JR.
General Attorney

Southern Bell Telephone
and Telegraph Company
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(404) 529-5094

September 1, 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 Objection to Public Counsel's Forty-Fourth 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,

Sidney J. White, Jr.
Sidney J. White, Jr. (27)

Enclosures

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

ACK _____
AFA 1
APP 1
CAF _____
CMU _____
CTR _____
ENC _____
LEG 1 W/M
LIN 6
OPR _____
RCH _____
SEC 1
WAS _____
OTH AS

RECEIVED & FILED
GMS
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
09464 SEP-18
FLORIDA RECORDS/REPORTING

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 1st day of September, 1993
to:

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

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

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
315 South Calhoun Street
Suite 716
Tallahassee, FL 32301-1838
atty for FIXCA

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

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

Kenneth A. Hoffman
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

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

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

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

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

Laura L. Wilson, Esq.
c/o Florida Cable Television
Association, Inc.
Post Office Box 10383
310 North Monroe Street
Tallahassee, FL 32302
atty for FCTA

Chanthina R. Bryant
Sprint Communications Co.
Limited Partnership
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

Donald L. Bell, Esq.
104 East Third Avenue
Tallahassee, FL 32303
Atty for AARP

Michael B. Twomey
Gerald B. Curington
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

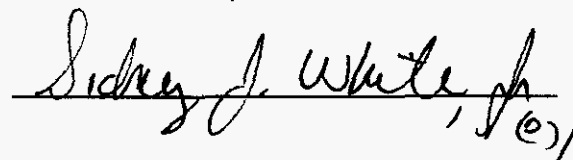
Mr. Cecil O. Simpson, Jr.
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Office of the Judge
Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

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
Attys 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 Communications
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863


Sidney J. White, Jr.
(e)

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: September 1, 1993

ORIGINAL
COPY

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
FORTY-FOURTH 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-Fourth Request for Production of Documents dated July 21, 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 and competitive interests, non-regulated affiliate information, proprietary computer models and other proprietary confidential

DOCUMENT NO.
09464-93
9-1-93

business 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. 666, 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. The computer diskette being produced represents an internally generated, Company developed computer model which is of

commercial value to the Company and which is not generally available to the public.

8. With respect to Request No. 667, Southern Bell refers Public Counsel to the responsive documents that have been previously produced in response to Public Counsel's Fourth Request for Production of Documents, Request No. 74 and Public Counsel's Thirty-Second Request for Production of Documents, Request No. 437.

9. With respect to Request No. 668, 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. 669, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

11. With respect to Request No. 670, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of information regarding nonregulated operations. This information is expressly included as proprietary confidential business information in 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.

12. With respect to Request No. 671, 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. 672, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of competitive analysis regarding nonregulated operations. 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.

14. With respect to Request No. 673, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

15. With respect to Request No. 674, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of information including 10 boxes of NARUC Audit responses, many of which are proprietary confidential business information. This information is expressly included as proprietary confidential business information in Section 364.183, 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.

16. With respect to Request No. 675, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of contractual details regarding nonregulated affiliates and economic analysis. 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.

17. With respect to Request No. 676, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of contractual details regarding nonregulated affiliates and economic analysis. 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.

18. With respect to Request No. 677, Southern Bell has no documents responsive to this request.

19. With respect to Request No. 678, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of vendor specific contractual bidding details regarding nonregulated affiliates and nonaffiliates and economic analysis. 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.

20. With respect to Request No. 679, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of competitive rental analysis. 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.

21. With respect to Request No. 680, Southern Bell objects to this request on the basis that it seeks the production of proprietary confidential business information in the form of contractual details regarding nonregulated affiliates and economic analysis. 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.

22. With respect to Request No. 681, Southern Bell refers Public Counsel to Public Counsel's Thirty-Second Request for Production of Documents, Item No. 461.

23. With respect to Request No. 682, Southern Bell objects to this request on the basis that it is not in possession, custody or control of responsive documents. Notwithstanding this

objection, BellSouth Enterprises agrees to make available for review only, on BellSouth Enterprises premises, the requested project papers for projects relating to BellSouth Enterprises subsidiaries having cost based transactions with BellSouth Telecommunications during 1992 and 1993.

24. With respect to Request No. 683, Southern Bell will produce the responsive document that is in its possession, custody, or control at a mutually convenient time and place.

25. With respect to Request No. 684, Southern Bell objects to this request on the basis that it is not in possession, custody or control of responsive documents. Notwithstanding this objection, BellSouth Enterprises agrees to make available, for review only on BellSouth Enterprises premises, the 1992 and 1993 workpapers used to calculate BellSouth Enterprises-Headquarters management fee bills to those BellSouth Enterprises subsidiaries having cost based transactions with BellSouth Telecommunications.

26. With respect to Request No. 685, Southern Bell refers Public Counsel to the responsive documents that have been previously produced in response to Public Counsel's Fortieth Request for Production of Documents, request number 554.

27. With respect to Request No. 686, 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. 687, 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. 688, 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. 689, 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. 690, 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. 691, 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. 692, 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. 693, 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. 694, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

36. With respect to Request No. 695, Southern Bell objects to this request on the basis that it framed as a request for admission rather than as a request for production of documents. Notwithstanding this objection, Southern Bell has previously


addressed this issue in its response to Public Counsel's Thirty-Fifth Set of Interrogatories, Item No. 926.

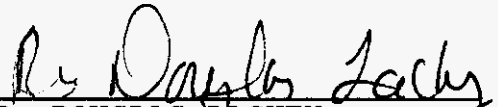
37. With respect to Request No. 696, see Southern Bell's objections set forth in response to Request No. 695. Also, Southern Bell has already addressed this issue in its response to Public Counsel's Thirty-Fifth Set of Interrogatories, Item No. 929.

38. With respect to Request No. 697, see Southern Bell's objections set forth in response to Request No. 695. Also, Public Counsel is seeking to have Southern Bell create documents not currently in existence in order to respond to a hypothetical question. Since the request does not seek documents or tangible things currently in existence, it is therefore improper and objectionable. Finally, see Southern Bell's response to Public Counsel's Thirty-Fifth Set of Interrogatories, Item No. 930.

Respectfully submitted this 1st day of September, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


HARRIS R. ANTHONY
c/o Marshall M. Criser
400 - 150 South Monroe Street
Tallahassee Florida 32301
(305) 530-5555


R. DOUGLAS YACKEY
SIDNEY J. WHITE, JR.
4300-675 West Peachtree Street
Atlanta, Georgia 30375
(404) 529-5094