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September 3, 1993

920260-TL

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

RE: Docket No (910163-TL)

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Forty-Fourth Request for Production of Documents dated August 3, 1993. Please file these documents 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.

ACK _____
AFS _____
A _____
C _____
⑤

Enclosures

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

REC'D _____
SEC _____
WAT _____

RECEIVED
SEP 10 1993
FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF RECORDS

DOCUMENT NUMBER-DATE
09563 SEP-3 1993
FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida) Docket No. 910163-TL
to Initiate Investigation into)
Integrity of Southern Bell) Filed: September 3, 1993.
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
FORTY-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 1.350 of the 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 August 3, 1993.

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, if any responsive documents are withheld on the basis of privilege, Southern Bell will provide a general description of the withheld documents.

DOCUMENT NUMBER-DATE

09563 SEP-38

FPSC-RECORDS/REPORTING

2. Southern Bell objects to Public Counsel's Instruction requesting "... a description of the sequence or order of the documents..." being produced. Such a request is patently unreasonable. The "sequence or order" of documents being produced is readily apparent; therefore, Public Counsel's request for a narrative description of what can be easily determined based on a review of the documents themselves is unnecessary and objectionable.

3. 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.

4. 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).

5. 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.

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

SPECIFIC RESPONSES

7. With respect to Request No. 104, responsive documents have been previously provided in response to Public Counsel's 1st Request for Production of Documents, Item No. 3 in Docket No. 910727-TL, Public Counsel's 4th Request for Production of Documents, Item Nos. 1-3 in Docket No. 910727-TL, and Public Counsel's 24th Request for Production of Documents, Item Nos. 3 and 6 in Docket No. 910163-TL. In addition, other information relating to this subject was previously provided in response to Public Counsel's 3rd Set of Interrogatories in Docket No. 910727-TL and Public Counsel's 26th Set of Interrogatories, Item No.5 in Docket No. 910163-TL. Finally, Southern Bell will produce one additional document that it is not certain was previously produced.

8. With respect to Request No. 105, see Southern Bell's response to Request No. 104.

9. With respect to Request No. 106, see Southern Bell's response to Request No. 104.


10. With respect to Request No. 107, Southern Bell has previously produced documents responsive to this request in

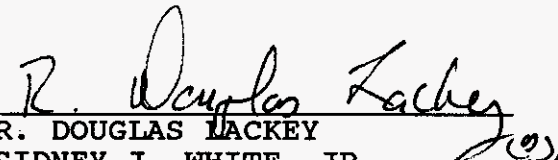
response to Public Counsel's 28th Request for Production of Documents, Request No. 10. The supporting documents requested herein were contained in 20 boxes of documents already reviewed by Public Counsel in September, 1992 and April, 1993.

11. With respect to Request No. 108, Southern Bell will produce responsive documents not previously produced.

Respectfully submitted this 3rd day of September, 1993.

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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 3rd day of September, 1993
to:

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