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October 8, 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 Fifty-First 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,

*Nancy B. White (BW)*

Nancy B. White

ACK \_\_\_\_\_

AFA 2

APP \_\_\_\_\_ Enclosures

~~CFE~~ \_\_\_\_\_ cc: All Parties of Record

CMU \_\_\_\_\_ A. M. Lombardo

CTR \_\_\_\_\_ H. R. Anthony

\_\_\_\_\_ R. D. Lackey

EAG \_\_\_\_\_

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DOCUMENT NUMBER-DATE

10829 OCT-83

FPSC-RECORDS/REPORTING

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: October 8, 1993  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
FIFTY-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") Fifty-First Request for Production of Documents dated September 8, 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, long term strategic plans, and other proprietary confidential business information. Such information is specifically included as proprietary confidential business

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10829 OCT-88  
FPSC-RECORDS/REPORTING

information pursuant to Section 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. 782, Southern Bell has no responsive documents in its possession, custody, or control.

8. With respect to Request No. 783, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

9. With respect to Request No. 784, 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. 785, Southern Bell has no responsive documents in its possession, custody, or control.

11. With respect to Request No. 786, Southern Bell has no responsive documents in its possession, custody, or control.

12. With respect to Request No. 787, 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. 788, 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. 789, 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. 790, Southern Bell refers Public Counsel to Public Counsel's Forty-Third Set of Interrogatories, Item No. 1104.

16. With respect to Request No. 791, 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. 792, Southern Bell refers Public Counsel to Public Counsel's Forty-Third Set of Interrogatories, Item No. 1106.

18. With respect to Request No. 793, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

19. With respect to Request No. 794, 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. 795, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

21. With respect to Request No. 796, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

22. With respect to Request No. 797, Southern Bell refers Public Counsel to Southern Bell's original response and objection to Public Counsel's Production of Documents No. 463. As stated therein, Southern Bell objects to this request on the basis that it is overly burdensome and unduly oppressive. The retention period for the documents requested is three months. In order to determine whether any of the documents still exist for the dates required would necessitate a search of hundreds of individual work centers, both in Florida and Company-wide.

23. With respect to Request No. 798, Southern Bell has no responsive documents in its possession, custody, or control.

Respectfully submitted this 8th day of October, 1993.

SOUTHERN BELL TELEPHONE  
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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 8th day of October, 1993 to:

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