

SCANNED

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ORIGINAL
FILE COPY

October 12, 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 Objections to Public Counsel's Fifty-Second Request for Production of Documents (erroneously numbered as the Fifty-First Request for Production of Documents) and Motion for Temporary Protective Order. 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.

ACK _____
AFA 2 _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG 1w/m _____
LIN 6 _____
OPC _____
RCH _____
SEC 1 _____
VAS _____
ATH _____

Sincerely,

Nancy B. White (BW)
Nancy B. White

Enclosures

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

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10914 OCT 12 93

FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)	
the Revenue Requirements and Rate)	Docket No. 920260-TL
Stabilization Plan of Southern)	
Bell Telephone and Telegraph)	Filed: October 12, 1993
Company)	
)	

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE
 AND OBJECTIONS TO PUBLIC COUNSEL'S FIFTY-SECOND REQUEST FOR
 PRODUCTION OF DOCUMENTS (ERRONEOUSLY NUMBERED AS THE
 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 Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Response and Objections to the Office of Public Counsel's ("Public Counsel") Fifty-Second Request for Production of Documents (erroneously numbered as the Fifty-First Request for Production of Documents) dated September 7, 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, employee personnel information unrelated to compensation, duties, qualifications, or responsibilities, and

DOCUMENT NUMBER-DATE
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 PUBLIC RECORDS/REPORTING

other proprietary confidential business information. Such information is specifically included as proprietary confidential business information pursuant to § 364.183(3)(f), 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, if any document is withheld based on privilege, Southern Bell will provide a list generally describing such document.

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 "Southern Bell". 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 may only be directed 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. 799 (erroneously numbered as Request No. 782), 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.

Respectfully submitted this 12th day of October, 1992.

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 12th day of October, 1993 to:

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