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Confidential filing has been
assigned Document No. 11119-93
and placed in the confidential
files pending receipt of a
Request for Confidentiality.

October 15, 1993

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

920260

RE: Docket Nos. 910163-TL and 910727-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 Thirty-Sixth Request for Production of Documents and Notice of Intent to Request Confidential Classification which we ask that you file 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. (AW)
Sidney J. White, Jr.

Enclosures

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

RECORDED & INDEXED

DOCUMENT NUMBER-DATE
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FPSC-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 15th day of October, 1993 to:

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Sidney J. White, Jr. (RW)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

In re: Investigation into)
SOUTHERN BELL TELEPHONE AND) Docket No. 910727-TL
TELEGRAPH COMPANY'S compliance)
with Rule 25-4.110(2),)
F.A.C., Rebates)
_____) Filed: October 15, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO STAFF'S THIRTY-SIXTH REQUEST
FOR PRODUCTION OF DOCUMENTS AND NOTICE OF INTENT TO
REQUEST CONFIDENTIAL CLASSIFICATION

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), 1) its Responses
and Objections to Staff's Thirty-Sixth Request for Production of
Documents dated September 10, 1993, and 2) its Notice of Intent
to Request Confidential Classification.

NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Some of the documents that will be produced for Staff in
response to its Thirty-Sixth Request for Production of Documents
contain information which is exempt from public disclosure
pursuant to § 119.07 and § 364.183, Florida Statutes.

DOCUMENT NUMBER-DATE

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Specifically, some of the documents contain employee specific information unrelated to compensation, duties, qualifications or responsibilities, which is expressly included as proprietary confidential information under § 364.183(3)(f), Florida Statutes. Because these documents contain exempt information, Southern Bell is filing this Notice of Intent to Request Confidential Classification, pursuant Rule 25-22.006(3)(a), Florida Administrative Code, in order to allow the Staff to review these documents without delay. The original of this Notice has been filed with the Division of Records and Reporting, and a copy has been served on the division requesting the information.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition of "you" and "your" as well as the definition of "BellSouth." It appears that Staff, 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 be directed only 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).

2. With regard to Staff's definition of "document" or "documents", Southern Bell has made a diligent, good faith attempt to locate documents responsive to the scope of Staff's individual requests for documents.

3. Southern Bell objects to Staff's definition of "relating to." Staff's definition of this term is overly broad and objectionable in that under Staff's definition, a document "relating to" a given subject could literally mean any document mentioning the subject in any way, shape, or form. Clearly, such an overly broad and unduly burdensome qualification for testing the responsiveness of documents in the context of discovery is improper and would cause the production of unnecessary, unrelated and irrelevant documents.

4. Southern Bell objects to Staff's suggestion that this request for production of documents is continuing in nature. A party who responds to a request for discovery with a response that is complete when made is under no duty to supplement such response thereafter to include information later acquired. Rule 1.280(e), Florida Rules of Civil Procedure. Consequently, Staff's request that this discovery is continuing in nature is improper and therefore objectionable.

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

SPECIFIC RESPONSES

6. With respect to Request No. 1, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

7. With respect to Request No. 2, Southern Bell will produce responsive documents that are in its possession, custody,

or control at a mutually convenient time and place, subject to its Notice of Intent to Request Confidential Classification set forth above.

8. With respect to Request No. 3, pursuant to a clarification of this request from Staff counsel, Southern Bell will produce the same documents previously produced for Public Counsel in response to Public Counsel's Thirty-Fourth Request for Production of Documents, Request Nos. 478-481 in Docket No. 920260-TL, subject to its Notice of Intent to Request Confidential Classification set forth above.

9. With respect to Request No. 4, 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. 5, 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. 6, Southern Bell has no documents responsive to this request. No changes were made to the record layout for the 1993 MTAS 500 character record.

12. With respect to Request No. 7, Southern Bell has no documents responsive to this request. No documents are identified in Southern Bell's response to Staff's Interrogatory Item No. 206.

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

14. With respect to Request No. 9, Southern Bell will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to its Notice of Intent to Request Confidential Classification set forth above.

15. With respect to Request No. 10, Southern Bell will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to its Notice of Intent to Request Confidential Classification set forth above.

16. With respect to Request No. 11, 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. 12, see documents being produced in response to Request No. 11.

18. With respect to Request No. 13, Southern Bell will produce documents that are in its possession, custody, or control at a mutually convenient time and place.

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

20. With respect to Request No. 15, Southern Bell will produce documents that are in its possession, custody, or control at a mutually convenient time and place.

21. With respect to Request No. 16, Southern Bell will produce documents that are in its possession, custody, or control at a mutually convenient time and place.

22. With respect to Request No. 17, Southern Bell will produce documents that are in its possession, custody, or control at a mutually convenient time and place.

Respectfully submitted this 15th day of October, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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