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ORIGINAL
FILE COPY

October 29, 1993

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

920860 TL

Re: Docket No. (900960-TL)

Er

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Staff's Fifth Request for Production of Documents. Please file these documents in the above-captioned docket.

ACK A copy of this letter is enclosed. Please mark it to
AFA indicate that the original was filed and return the copy to me.
APP Copies have been served on the parties shown on the attached
Certificate of Service.

CAF
CMU
CTR
EAG
LEG 1 w/m
LIN Enclosures

Sincerely,
Sidney J. White, Jr.
Sidney J. White, Jr. (SW)

OPC cc: All Parties of Record
ROH A. M. Lombardo
SEC 1 H. R. Anthony
WAS R. D. Lackey
OTH

RECEIVED & FILED
Lew

DOCUMENT NUMBER-DATE
11727 OCT 29 93
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause proceeding)
against Southern Bell Telephone)
and Telegraph Company for)
misbilling customers)

Docket No. 900960-TL
Filed: October 29, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO STAFF'S FIFTH
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 Florida Rules of Civil Procedure, its Response and Objections to Staff's Fifth Request for Production of Documents dated September 24, 1993.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's overly broad definition of documents "relating to" a given subject. An application of such a broad definition of responsive documents would have the effect of causing the production of unnecessary, irrelevant, and unrelated documents. Read literally, documents "relating to" a particular subject could be any piece of paper mentioning the subject matter in any manner whatsoever. Consequently, such a qualification for responsive documents is overly broad and therefore objectionable.

2. Southern Bell objects to Staff's definition of "you" and "your." 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 only be directed 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).

3. 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.

4. Southern Bell objects to Staff's request that this discovery be "continuing" in nature. Pursuant to Rule 1.280(e), Florida Rules of Civil Procedure, a party who responds to a discovery request with a response that is complete when provided is under no obligation to thereafter supplement such response with information later acquired. Consequently, Staff's suggestion that this discovery be continuing is improper and 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 has no documents responsive to this request.

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.

Respectfully submitted this 29th day of October, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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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 29th day of October, 1993 to:

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