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ORIGINAL
FILE COPY

November 17, 1993

Confidential filing has
been assigned Document
No. 12387-93 and placed
in the confidential files
pending receipt of a
Request for Confidentiality.

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

RE: Docket No. 900960-TL

(920260-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 Eighth Request for Production of Documents and Notice of Intent to Request Confidential Classification. 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,

Sidney J. White Jr. (BW)

Sidney J. White, Jr.

Enclosures

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

DOCUMENT NUMBER-DATE

12386 NOV 17 93

7700-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
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In re: Show Cause proceeding) Docket No. 900960-TL
against Southern Bell Telephone)
and Telegraph Company for) Filed: November 17, 1993
misbilling customers)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE AND
OBJECTIONS TO STAFF'S EIGHTH 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), Florida Administrative Code, (1) its Response and Objections to Staff's Eighth Request for Production of Documents dated October 13, 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 made available for the Staff to review in response to its Eighth Request for Production of Documents contain information which is exempt from public disclosure pursuant to §§ 119.07 and 364.183, Florida Statutes. Specifically, some of the documents contain, among other things, vendor-specific contractual information, and other Company proprietary confidential business information. This information is included as proprietary confidential business information under § 364.183(3)(d), Florida Statutes and Rule 25-22.006, Florida Administrative Code. Because these documents contain

exempt information, Southern Bell is filing this Notice of Intent to Request Confidential Classification, pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, in order to allow the Staff access to 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 this information.

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. 119, Southern Bell objects to this request on the basis that certain responsive documents contain proprietary confidential business information in the form of vendor-specific contractual pricing and other information. Pursuant to Section 364.183(3)(d), Florida Statutes, this information is deemed proprietary and exempt from the public inspection and examination provisions of Section 119.07(1), Florida Statutes. Notwithstanding this objection, Southern Bell

will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Company's Notice of Intent to Request Confidential Classification set forth above.

7. In response to Request No. 120, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place.

8. In response to Request No. 121, Southern Bell objects to this request on the basis that certain responsive documents contain proprietary confidential business information in the form of vendor-specific contractual pricing and other information. Pursuant to Section 364.183(3)(d), Florida Statutes, this information is deemed proprietary and exempt from the public inspection and examination provisions of Section 119.07(1), Florida Statutes. Notwithstanding this objection, Southern Bell will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Company's Notice of Intent to Request Confidential Classification set forth above.

9. In response to Request No. 122, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place.

10. In response to Request No. 123, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place.

11. In response to Request No. 124, this item is not applicable. Southern Bell has produced all responsive documents.

Respectfully submitted this 17th day of November 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 17th day of November, 1993
to:

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