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ORIGINAL  
FILE COPY

December 3, 1993

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

920260-TL

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-Ninth Request for Production of Documents. Please file this document in the above-captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the originals were 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.*  
Sidney J. White, Jr. (BW)

Enclosures

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

- ACK
- AFA
- APP
- GAF
- CMU
- CTR
- EAG
- LEG  W/m
- LIN  L
- OPC
- RCH
- SEC
- WAS
- OTH

RECEIVED & FILED  
DEC 3 1993  
J.S.

DOCUMENT NUMBER-DATE  
12925 DEC-38  
FPSC-RECORDS/REPORTING

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: December 3, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
 RESPONSE AND OBJECTIONS TO STAFF'S THIRTY-NINTH  
REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and pursuant to Rule 25-22.034 Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, files its Response and Objections to Staff's Thirty-Ninth Request for Production of Documents dated October 29, 1993.

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

DOCUMENT NUMBER-DATE

12925 DEC-38

FPSC-RECORDS/REPORTING

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 be 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. 6(1), Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place, to the extent not previously produced in response to Staff's earlier requests for documents.

7. With respect to Request No. 6(2), Southern Bell has no additional documents responsive to this request. All responsive documents were previously produced in response to Staff's earlier requests for documents.

8. With respect to Request No. 6(3), Southern Bell previously produced all responsive documents in response to Staff's 17th Request for Production of Documents, Item No. 22.

9. With respect to Request No. 6(4), Southern Bell has no documents responsive to this request.

10. With respect to Request No. 6(5), Southern Bell has no documents responsive to this request.

11. With respect to Request No. 6(6), this item is not applicable. Southern Bell has produced all responsive documents.

Respectfully submitted this 3rd day of December, 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 3rd day of December, 1993 to:

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