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December 27, 1993

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

120260-TL

RE: Docket No. (900960-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 Ninth 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. (PW)*  
Sidney J. White, Jr. (PW)

1 w/m  
6 Enclosures

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

*SP*

DOCUMENT NUMBER-DATE

1374 | DEC 27 83

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: December 27, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE AND  
OBJECTIONS TO STAFF'S NINTH 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 Ninth Request for Production of Documents dated November 29, 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 Ninth Request for Production of Documents contain information which is exempted from public disclosure pursuant to §§ 119.07 and 364.183, Florida Statutes. Specifically, some of the documents contain, among other things, customer-specific information, and internal audit reports and related information, and other Company proprietary confidential business information. This information is included as proprietary confidential business information under §§ 364.183(3)(b) and 119.07(3)(w), Florida Statutes and Rule 25-

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FPSC-RECORDS/REPORTING

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. Once the Staff has had an opportunity to review the responsive documents which may contain proprietary confidential business information, the Staff can request copies of those documents it desires. Southern Bell will then copy these documents for Staff, and if necessary will file a Request for Confidential Classification thereafter for any such documents containing proprietary confidential business 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. 125, Southern Bell objects to this request on the grounds that the request is overly broad, burdensome, and oppressive, inasmuch as a response to this request would involve a search of over 100 files located in 25 different offices located in 13 different cities.

7. With respect to Request No. 126, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place.

8. With respect to Request No. 127, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place.

9. With respect to Request No. 128, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place subject to the Notice of Intent to Request Confidential Classification set forth above.

10. With respect to Request No. 129, Southern Bell will produce documents responsive to this request in its possession, custody, or control at a mutually convenient time and place subject to the Notice of Intent to Request Confidential Classification set forth above.

11. With respect to Request No. 130, Southern Bell objects to this request on the grounds that the request is overly broad, burdensome, and oppressive, inasmuch as a response to this

request would involve a search of over 100 files located in 25 different offices located in 13 different cities.

12. With respect to Request No. 131, Southern Bell objects to this request on the grounds that the request is overly broad, burdensome, and oppressive, inasmuch as a response to this request would involve a search of over 100 files located in 25 different offices located in 13 different cities.

Notwithstanding this objection, however, Southern Bell will provide summary documents that are responsive to this request to Staff at a mutually convenient time and place subject to the Notice of Intent to Request Confidential Classification.

13. With respect to Request No. 132, Southern Bell objects to this request on the grounds that the information requested is protected by the work produce doctrine and is not discoverable under the provisions of Florida Rule of Civil Procedure 1.280(4).

Respectfully submitted this 27th day of December, 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 27th day of December, 1993 to:

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