

10/13/93



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December 30, 1993

Mr. Steven C. Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Re: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed for filing in the above referenced docket are one (1) original and fifteen (15) copies of AT&T's Objections and Motion for Protective Order With Respect To Southern Bell's First Request for Production of Documents. Copies of the foregoing are being served on all parties of record in accordance with the attached Certificate of Service.

Yours truly,

Michael W. Tye
Michael W. Tye

MWT:sad

1 10/13/93 Attachments

6 cc: Parties of Record

DOCUMENT NUMBER-DATE
13813 DEC 30 8
FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE
13812 DEC 30 8
FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive review of)
the revenue requirements and) DOCKET NO. 920260-TL
rate stabilization plan of) SUBMITTED FOR FILING:
Southern Bell Telephone and) December 30, 1993
Telegraph Company)
_____)

AT&T'S RESPONSES, OBJECTIONS, AND MOTION FOR PROTECTIVE
ORDER WITH RESPECT TO SOUTHERN BELL'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO AT&T

AT&T Communications of the Southern States, Inc.
(hereinafter "AT&T"), pursuant to Rules 25-22.034 and 25-
22.035, Florida Administrative Code and Rules 1.350 and
1.280(b), Florida Rules of Civil Procedure, hereby submits
the following Responses, Objections, and Motion for
Protective Order with respect to Southern Bell Telephone and
Telegraph Company's (hereinafter "Southern Bell") First
Request for Production of Documents to American Telephone
and Telegraph Company.

General Objections

AT&T makes the following General Objections to Southern
Bell's First Request for Production of Documents which are
hereby incorporated by reference into AT&T's specific
responses contained herein.

1. AT&T objects to service of Southern Bell's First
Request for Production of Documents on American Telephone

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and Telegraph Company inasmuch as American Telephone and Telegraph Company is neither a party to the above-referenced proceeding nor is American Telephone and Telegraph Company a provider of regulated intrastate telecommunications services within the State of Florida. Moreover, AT&T objects to each and every request to the extent that such request seeks information from or pertaining to American Telephone and Telegraph Company inasmuch as American Telephone and Telegraph Company is neither a party to the above-referenced proceeding nor is American Telephone and Telegraph Company a provider of regulated intrastate telecommunications services within the State of Florida. Without waiver of its general objection, and subject to other general and specific objections, responses will be provided on behalf of AT&T Communications of the Southern States, Inc. which is the interexchange carrier (hereinafter "IXC") certificated to provide regulated telecommunications services in Florida and which is a party to this docket. All references to "AT&T" in responding to Southern Bell's requests should be taken to mean AT&T Communications of the Southern States, Inc. AT&T's responses are purely voluntary, are made in the interest of administrative economy, and do not constitute a waiver of AT&T's objection that Southern Bell's First Request for Production of Documents was not served on a proper party in accordance with the Florida Rules of Civil Procedure and the Rules of Practice and Procedure of the

Florida Public Service Commission (hereinafter the "Commission").

2. AT&T has interpreted Southern Bell's requests to apply to AT&T's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, AT&T objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. AT&T objects to each and every request to the extent that such request calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege. Moreover, AT&T objects to Southern Bell's instruction regarding privileged documents (page 1, paragraph 1), which seeks to require AT&T to furnish a list of such documents with various information. AT&T submits that such instruction is overly broad, unduly burdensome, not permitted by applicable discovery rules, and violates attorney-client privilege.

4. AT&T objects to each and every request insofar as the request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by AT&T to Southern Bell's requests will be provided subject to, and without waiver of, the foregoing objection.

5. AT&T objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. AT&T will attempt to note each instance where this objection applies.

6. AT&T objects to Southern Bell's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on AT&T which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. AT&T objects to producing documents, records and information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. AT&T objects to each and every request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. AT&T objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Southern Bell's requests seek proprietary confidential business information which is not subject to the "trade secrets" privilege, AT&T will make such information available to counsel for Southern Bell pursuant to an appropriate Protective Agreement,

subject to any other general or specific objections contained herein.

10. AT&T is a corporation with numerous employees located in Florida and at various locations throughout other states. In the course of AT&T's business it creates millions of documents which are not subject to Florida Public Service Commission or Federal Communications Commission retention of records requirements. These records are kept at numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every conceivable document will be provided in response to these discovery. Rather, AT&T's responses will provide all of the information obtained by AT&T after a reasonable and diligent search conducted in connection with this discovery request. To the extent that the discovery request purports to require more, AT&T objects on the grounds that compliance would impose an undue burden or expense.

MOTION FOR PROTECTIVE ORDER

AT&T submits its objections to Southern Bell's First Request for Production of Documents pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So.2d 79 (Fla. 3d DCA 1979). To the extent that a Motion for Protective Order is required, the objections set forth herein are to be construed as a request for a protective order.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Subject to and without waiver of its General Objections, Specific Objections, or Motion for Protective Order, AT&T submits the following Responses and Objections to specific requests.

Request 1: AT&T will produce documents which are responsive to this request to the extent that such documents are not already in the possession of Southern Bell. Non proprietary documents will be provided at Southern Bell's offices in Tallahassee, Florida. Proprietary documents will be made available in AT&T's offices at 106 East College Ave., Suite 1410, Tallahassee, Florida 32301 upon execution of an appropriate Protective Agreement by Southern Bell. AT&T's interstate FCC tariffs are available for inspection and/or copying at its offices at 1200 Peachtree St., NE, Atlanta, Georgia 30309. Additionally, AT&T objects to the request to the extent that it calls for documents which are protected by the attorney-client privilege, the work product privilege, or which contain "trade secrets" which are privileged pursuant Section 90.506, Florida Statutes.

Request 2: Same response as AT&T's response to Request 1.

Request 3: Same response as AT&T's response to Request 1.

Request 4: AT&T will provide copies of its Florida intrastate tariffs to Southern Bell at its offices in Tallahassee, Florida. AT&T's interstate FCC tariffs will be made available for inspection and/or copying at AT&T's offices at 1200 Peachtree St., NE, Atlanta, Georgia 30309. The rates, charges, terms and conditions for AT&T's provision of service in Florida are contained in said tariffs. To the extent that Southern Bell's request seeks documents other than said tariffs, AT&T objects on the grounds that such request is irrelevant, vague, ambiguous, overly broad, imprecise, unduly burdensome, oppressive, and may call for documents which contain "trade secrets" that are privileged pursuant to Section 90.506, Florida Statutes.

Request 5: Same response as AT&T's response to Request 1.

Request 6: Same response as AT&T's response to Request 1.

Request 7: Same response as AT&T's response to Request 1.

SUBMITTED this 30th day of December, 1993.



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ATTORNEY FOR AT&T
COMMUNICATIONS OF THE
SOUTHERN STATES, INC.

CERTIFICATE OF SERVICE

Dockets Nos. 920260-TL, 910163-TL, 910727-TL, 900960-TL

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U. S. Mail or hand-delivery to the following parties on this 30th day of December, 1993.

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