

NANCY B. WHITE
General Attorney

Southern Bell Telephone
and Telegraph Company
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(404) 529-5387

ORIGINAL
FILE COPY

May 11, 1995

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response And Objections to Public Counsel's Third Post-Settlement Request for Production of Documents and Motion for a Temporary Protective Order. Please file these documents in the 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,

Nancy B. White
Nancy B. White (02)

- APP _____
- CAF _____
- CMU *Morton*
- CTR _____
- EAG _____
- LEG Enclosures
- LIV cc: All Parties of Record
 - A. M. Lombardo
 - R. G. Beatty
 - R. D. Lackey
- SEC 1
- WAS _____
- OTH _____

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: May 11, 1995
Company)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE
AND OBJECTIONS TO PUBLIC COUNSEL'S THIRD POST-SETTLEMENT
REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW, BellSouth Telecommunications, Inc., d/b/a
Southern Bell Telephone and Telegraph Company ("Southern Bell" or
"Company"), and files (1) pursuant to Rule 25-22.034, Florida
Administrative Code, and Rule 1.350, Florida Rules of Civil
Procedure, its Response and Objections to the Office of Public
Counsel's ("Public Counsel") Third Post-Settlement Request for
Production of Documents dated March 28, 1995 and (2) pursuant to
Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for
Temporary Protective Order.

MOTION FOR TEMPORARY PROTECTIVE ORDER

Some of the documents that will be delivered to or made
available for review by Public Counsel contain proprietary,
confidential business information that should not be publicly
disclosed. Thus, pursuant to Rule 25-22.006(5)(c), Florida
Administrative Code, Southern Bell moves the Prehearing Officer
to issue a Temporary Protective Order exempting these documents
from § 119.07(1), Florida Statutes. These documents contain,
among other things, information concerning nonregulated
operations, and other proprietary confidential business
information. Such information is specifically included as

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FPSC-RECORDS/REPORTING

proprietary confidential business information pursuant to § 364.183(3)(f), Florida Statutes. If Public Counsel subsequently notifies Southern Bell that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will, in accordance with Rule 25-22.006, Florida Administrative Code, file a detailed motion for protective order specifically addressing each of the documents identified.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by Public Counsel would be similarly privileged and therefore not subject to discovery. Notwithstanding this objection, the following documents have had portions redacted therefrom on the basis of the attorney-client privilege and work product doctrine:

- a. Voucher ID No. 94059; Invoice from Arthur Anderson dated January 12, 1994; description of services rendered in connection with lawsuit redacted;
- b. Voucher payable to Stentor Canadian Network for \$80,000.00, dated May 23, 1994; discussion of estimated settlement values redacted; and
- c. Voucher payable to KPMG Peat Marwick for \$146,051.00, dated March 10, 1994; various descriptions of services rendered in connection with lawsuits redacted.

2. With regard to Public Counsel's definition of "document" or "documents", Southern Bell has made a diligent,

good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

3. Southern Bell objects to Public Counsel's definition of "you" and "your." It appears that Public Counsel, 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 Public Counsel 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). Some of the information responsive to Public Counsel's Third Post-Settlement Request for Production of Documents are not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

4. Southern Bell does not believe it was Public Counsel's intent to require Southern Bell to produce again the same documents previously produced in other dockets, but to the extent it does, Southern Bell objects on the basis that such a request

would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

5. Southern Bell objects to the specific time and place designated by Public Counsel for the production of documents for the reasons that the designation is not reasonable, but has no objection to producing the documents that are responsive and to which no other objection is made, at a mutually agreed upon time and place.

6. The following Specific Responses are given subject to the above-stated General Responses and Objections.

SPECIFIC RESPONSES

7. With respect to Request No. 30, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. In addition, some of the information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

8. With respect to Request No. 31, Southern Bell objects to this request on the basis that it is overly burdensome and

oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Second Set of Interrogatories, Item No. 4.

9. With respect to Request No. 32, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Second Set of Interrogatories, Item No. 9.

10. With respect to Request No. 33, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

11. With respect to Request No. 34, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Second Set of Interrogatories, Item No. 4.

12. With respect to Request No. 35, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern

Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Third Set of Interrogatories, Item No. 11.

13. With respect to Request No. 36, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

14. With respect to Request No. 37, Southern Bell has no documents in its possession, custody, or control responsive to this request.

15. With respect to Request No. 38, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Third Set of Interrogatories, Item No. 15.

16. With respect to Request No. 39, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Third Set of Interrogatories, Item No. 16.

17. With respect to Request No. 40, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Third Set of Interrogatories, Item No. 17.

18. With respect to Request No. 41, Southern Bell has no documents in its possession, custody, or control responsive to this request.

19. With respect to Request No. 42, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

20. With respect to Request No. 43, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

21. With respect to Request No. 44, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make available for review to Public Counsel copies of the representative sample of invoices chosen by Public Counsel and given by Southern Bell in response to Public Counsel's Third Set of Interrogatories, Item No. 24.

22. With respect to Request No. 45, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's First Request for Production of Documents, Item No. 3.

23. With respect to Request No. 46, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

24. With respect to Request No. 47, Southern Bell objects on the grounds that the request is overly burdensome and oppressive. The information requested consists of more than five feet of computer printouts that will be made available to Public Counsel for review at an mutually agreeable time and place.

25. With respect to Request No. 48, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. In addition, some of the information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

26. With respect to Request No. 49, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

27. With respect to Request No. 50, Southern Bell has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

28. With respect to Request No. 51, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

29. With respect to Request No. 52, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

30. With respect to Request No. 53, Southern Bell will produce responsive documents that are in its possession, custody,

or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

31. With respect to Request No. 54, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's Second Set of Interrogatories, Item No. 4. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

32. With respect to Request No. 55, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. In addition, some of the information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it

may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

Respectfully submitted this 11th day of May, 1995.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

Robert G. Beatty
ROBERT G. BEATTY
J. PHILLIP CARVER (P3)
c/o Nancy Sims
400 - 150 South Monroe Street
Tallahassee, Florida 32302
(305) 530-5555

R. Douglas Lackey
R. DOUGLAS LACKEY (02)
NANCY B. WHITE
4300 - 675 W. Peachtree Street
Atlanta, Georgia 30375
(404) 529-5387

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 11th day of May, 1995 to:

Robin Norton
Division of Communications
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, FL 32399-0866

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Michael J. Henry
MCI Telecommunications Corp.
780 Johnson Ferry Road
Suite 700
Atlanta, Georgia 30342

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
315 South Calhoun Street
Suite 716
Tallahassee, FL 32301-1838
atty for FIXCA

Richard D. Melson
Hopping Boyd Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314
atty for MCI

Kenneth A. Hoffman
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

Rick Wright
Regulatory Analyst
Division of Audit and Finance
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0865

Michael W. Tye
AT&T Communications of the
Southern States, Inc.
106 East College Avenue
Suite 1410
Tallahassee, Florida 32301

Laura L. Wilson, Esq.
Florida Cable
Telecommunications Assn., Inc.
310 North Monroe Street
Tallahassee, FL 32301
atty for FCTA

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302
atty for FCAN

Chanthina R. Bryant
Sprint Communications Co.
Limited Partnership
3100 Cumberland Circle
Atlanta, GA 30339

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom
& Ervin
305 South Gadsen Street
Post Office Drawer 1170
Tallahassee, Florida 32302
atty for Sprint

Angela Green
Florida Public
Telecommunications Assn., Inc.
125 South Gadsden Street
Suite 200
Tallahassee, FL 32301

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Donald L. Bell, Esq.
104 East Third Avenue
Tallahassee, FL 32303
Atty for AARP

Joseph Gillan
J.P. Gillan & Associates
P.O. Box 541038
Orlando, FL 32854-1038

Mark Richard
Attorney for CWA
Locals 3121, 3122, and 3107
304 Palermo Avenue
Coral Gables, FL 33134

Gerald B. Curington
Department of Legal Affairs
2020 Capital Circle, SE
Alexander Building, 2nd Floor
Tallahassee, FL 32301

Mr. Douglas S. Metcalf
Communications Consultants,
Inc.
631 S. Orlando Ave., Suite 250
P. O. Box 1148
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Office of the Judge
Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Mr. Michael Fannon
Cellular One
2735 Capital Circle, NE
Tallahassee, FL 32308

Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
Post Office Box 1876
Tallahassee, FL 32302-1876
Attys for McCaw Cellular

Stan Greer
Division of Communications
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Nancy B. White (2)