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June 4, 1997

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center
Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 960786-TP

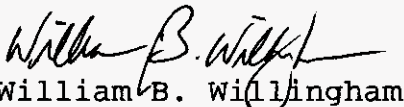
Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Strategic Technologies, Inc. ("STI") are the original and fifteen copies of STI's Objection to and Motion for Protective Order Concerning Staff's First and Second Sets of Interrogatories.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,


William B. Willingham

ACK _____

AFA _____

APP _____

CAF _____ WBW/rl

CMU Green cc: All Parties of Record

CTR _____ TR1b.3

EAG _____

LEG 1 _____

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SEC 1 _____

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DOCUMENT NUMBER-DATE

05569 JUN-4 5

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of BellSouth)
Telecommunications, Inc.'s entry)
into interLATA services pursuant)
to Section 271 of the Federal)
Telecommunications Act of 1996.)
_____)

Docket No. 960786-TP

Filed: June 4, 1997

**STRATEGIC TECHNOLOGIES, INC.'S OBJECTION TO
AND MOTION FOR PROTECTIVE ORDER CONCERNING
STAFF'S FIRST AND SECOND SETS OF INTERROGATORIES**

Strategic Technologies, Inc. ("STI"), by and through its undersigned counsel, hereby files its objections to the Commission Staff's First and Second Sets of Interrogatories propounded to STI and requests that a protective order be issued providing that STI is not required to respond to said interrogatories to the extent that the interrogatories request information other than STI's records. In support of its Motion for Protective Order, STI states as follows:

1. On May 15, 1997, the Commission Staff served its First Set of Interrogatories (Nos. 1-21) on STI. On May 29, 1997, the Commission Staff served its Second Set of Interrogatories (Nos. 22-87) on STI. The interrogatories request a great deal of information from STI, including STI's interpretation of various statutes and rules and STI's position on a number of legal issues. While STI is willing to provide the Commission with access to the records requested by said interrogatories pursuant to Section 364.183(1), Florida Statutes (1996 Supp.), it would be extremely burdensome for STI to fully respond to the interrogatories. To this end STI requests that a protective order be issued providing

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

that STI is not required to respond to said interrogatories other than to provide access to the records requested therein.

2. STI is not a party to the above-referenced docket. Rule 25-22.034, Florida Administrative Code, provides that parties to a Commission proceeding "may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure." Rule 1.340(a), Florida Rules of Civil Procedure, provides that a party to a proceeding may serve interrogatories only upon another party -- not a non-party.

3. In this case, because STI is not a party to this proceeding, neither the Florida Rules of Civil Procedure nor the Commission's rules provide authority for the Commission Staff to propound interrogatories to STI.

4. As purported support for its authority to propound said interrogatories on STI, the Commission Staff cites Section 364.183(1), Florida Statutes (1996 Supp.). This statute provides, in pertinent part:

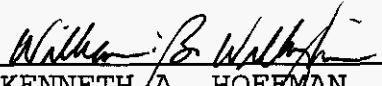
(1) The commission shall have access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within the commission's jurisdiction.

(Emphasis supplied). Section 364.183(1) may provide authority for Staff to request "records" from an entity that is not a party to a particular proceeding, but it does not authorize the full realm of discovery that is available pursuant to Rules 1.280 through 1.400, Florida Rules of Civil Procedure. Accordingly, Staff is without authority to propound interrogatories to STI in this proceeding. However, STI is willing to provide the Commission with access to

any records in its possession which have been requested in Staff's First and Second Sets of Interrogatories pursuant to Section 364.183(1), Florida Statutes (1996 Supp.).

WHEREFORE, for the foregoing reasons, STI requests that the Prehearing Officer enter a protective order providing that STI is not required to respond to the Commission Staff's First and Second Sets of Interrogatories served on STI in this docket other to provide the Commission with access to any records in its possession which have been requested in Staff's First and Second Sets of Interrogatories pursuant to Section 364.183(1), Florida Statutes (1996 Supp.).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Strategic Technologies, Inc.'s Objection to and Motion for Protective Order Concerning Staff's First and Second Sets of Interrogatories was furnished by U. S. Mail to the following this 4th day of June, 1997:

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