

ORIGINAL

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July 10, 1998

RECORDS AND
REPORTING

98 JUL 10 PM 4:48

RECEIVED-PPSC

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 920260-TL

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections To Citizens' Second Set of Post-Settlement Requests For Production Of Documents (1997 Earnings) And Motion For A Temporary Protective Order, which we ask that you file in the captioned matter.

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 to the parties shown on the attached Certificate of Service.

Sincerely,

Mary K. Keyer (w)

Mary K. Keyer

ACK Wright
AFA Wright
APP _____
CAF _____
CMU 1
CTR _____
EAG _____
LEG 1
LIN 5
OPC _____
RCH _____
SEC 1
WAS _____
OTH _____

RECEIVED & FILED

PPSC-BUREAU OF RECORDS

Enclosures

cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

DOCUMENT NUMBER-DATE

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RECORDS AND REPORTING

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been

furnished by * Hand-Delivery and U.S. Mail this 10th day of July, 1998 to:

=====

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Mary K. Keyer (kr)
Mary K. Keyer

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Comprehensive Review of the)
Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone & Telegraph Company) Filed: July 10, 1998
_____)

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES
AND OBJECTIONS TO CITIZENS' SECOND SET OF POST-SETTLEMENT
REQUESTS FOR PRODUCTION OF DOCUMENTS (1997 EARNINGS)
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), and files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to Citizens' Second Set of Post-Settlement Requests for Production of Documents (1997 Earnings) dated June 10, 1998, and pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order.

MOTION FOR TEMPORARY PROTECTIVE ORDER

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, BellSouth moves the Prehearing Officer to issue a Temporary Protective Order exempting these documents from § 119.07(1), Florida Statutes. These documents contain proprietary confidential business information. Such information is specifically included as proprietary confidential business information pursuant to § 364.183(3)(f), Florida Statutes. If Public

Counsel subsequently notifies BellSouth that any of the proprietary documents are to be used in a proceeding before the Commission, BellSouth 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 RESPONSES

1. BellSouth 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, BellSouth agrees to identify any documents withheld on the basis of privilege.

2. With regard to Public Counsel's definition of "document" or "documents", BellSouth has made a diligent, good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

3. BellSouth 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).

4. BellSouth does not believe it was Public Counsel's intent to require BellSouth to produce again the same documents previously produced in other dockets, but to the extent it does, BellSouth objects on the basis that such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

5. BellSouth 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

45. Refer to the response to POD 37. Provide the Telops Special Accounting Transactions for April 1998 and May 1998.

Response: BellSouth 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.

46. Provide copies of the invoices for the following items identified in response to POD 13. (Provided below is the period, voucher, payee, and amount.)

- a. 5, 00773146, Rapp Collins, \$117,572.08;
- b. 5, 01218955, NC Dept. Of Revenue, \$40,922.32;
- c. 12, 01357817, Dept. Of Civil & Environmental, \$15,500;
- d. 9, 01381717, Piedmont Park Conservancy, Inc., \$20,000;
- e. 8, 01422831, Corp. For Natl Research Initiv, \$25,000;
- f. 10, 01460222, UP Incorporated, \$38,000;
- g. 5, 01531274, The Prudential Bank & Trust Co., \$400,000;
- h. 12, 01870574, Mississippi Commission For, \$50,000;
- i. 3, 01092456, Institute of the Americas, \$10,000;
- j. 4, 01806170, Greater Miami Host Committee, \$25,000;
- k. 2, 01838313, Greater Miami Host Committee, \$25,000;
- l. 7, 01845433, University of Miami, \$5,326.00;
- m. 5, 01991716, Winterfest Ft Lauderdale, \$10,000;
- n. 5, 02248525, University of Miami, \$20,000.00;
- o. 9, 02248535, Greater Miami Jewish, \$50,000;
- p. 2, 02291232, Baptist Health Sys Fdtn, \$25,000;
- q. 7, 02291333, University of Central Florida, \$75,000;
- r. 11, 02292164, University of North Florida, \$75,000;
- s. 11, 02292179, University of North Florida, \$150,000.

Response: BellSouth 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.

47. Provide copies of the invoices for the following items identified in response to POD 15. (Provided below is the period, voucher, payee, and amount.)

- a. 6, 01381732, Anderson Consulting, \$350,000;
- b. 9, 01736731, North Carolina State University, \$7,500;
- c. 11, 02148922, Capital City Club, \$8,183;
- d. 11, 02149410, Alabama Health Care Council, \$20,000.

Response: BellSouth 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.

48. Provide copies of the invoices for the following items identified in response to POD 14. (Provided below is the period, voucher, payee, and amount.)

- a. 3, 00809096, Arthur Anderson LLP, \$100,000;
- b. 3, 00809113, Arthur Anderson LLP, \$100,000;
- c. 12, 02267259, Georgetown Consulting Grp Inc., \$53,896.

Response: BellSouth 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.

49. Provide copies of the invoices for the following items identified in response to POD 18. (Provided below is the page #, period, voucher, payee and amount).

- a. 01071, 12, 02323961, The Yankee Group, \$88,000;
- b. 01071, 12, 02338490, Individual, \$90,000;
- c. 01082, 8, 01563528, S&S Motorsports Inc., \$50,000;
- d. 01082, 8, 01636709, Comedy Club at the Stardome, \$6,410;
- e. 01083, 10, 01969389, Florida Attorney General, \$1,074,758;
- f. 01132, 6, 01219856, Georgetown Consulting Grp Inc., \$73,048 &
\$14,610;
- g. 01150, 8, 01581848, Georgetown Consulting Grp Inc., \$123,732
(various accts.)
- h. 01166, 9, 01898673, Johnson & Higgins, \$887,507
- i. 01194, 12, 02302638, Arthur Anderson LLP, \$860,852
- j. 01196, 12, 02323246, BTG Inc, \$100,000
- k. 01201, 12, 02360928, The Boston Consulting Group Inc.,
\$300,000.

Response: BellSouth 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.

Respectfully submitted this 10th day of July, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

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