

RECEIVED-FPSC

Legal Department

MARY K. KEYER
General Attorney

98 JUL 31 PM 4:04

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0729

RECORDS AND
REPORTING

ORIGINAL

July 31, 1998

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. 980733-TL

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to the Citizens' Second Set of Requests for Production of Documents 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 (see)
Mary K. Keyer

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

- ACK _____
- AFA 3 _____
- APP _____
- CAF _____
- CMU 2 _____
- CTR _____
- EAG _____
- LEG 2 _____
- LIN 5 _____
- OPC _____
- RCH 2 _____
- SEC 1 _____
- WAS _____
- OTH _____

Enclosures

cc: All parties of record

A. M. Lombardo

R. G. Beatty

William J. Ellenberg II

DOCUMENT NUMBER-DATE

0808 JUL 31 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery for Study on Fair & Reasonable Rates and on Relationships Among Costs and Charges Associated with Certain Telecommunications Services Provided by LECs, as Required by Chapter 98-277.)

Docket No.: 980733-TL

ORIGINAL

Filed: July 31, 1998

BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND OBJECTIONS TO CITIZENS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS 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 the Attorney General and Citizens' ("Citizens") Second Set of Requests for Production of Documents dated June 25, 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

DOCUMENT NUMBER-DATE

0808 | JUL 31 88

FPSC-RECORDS/REPORTING

business information pursuant to § 364.183(3), 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

5. Please provide all documents requested by letters dated June 19, 1998, from Walter D'Haeseleer and Tom Devlin to all local exchange companies regarding 980000A-SP, undocketed special project, fair and reasonable rates.

Response: The information contained in the documents requested constitutes confidential proprietary business information, which BellSouth will make available for review by the Office of Public Counsel at a mutually

agreeable time and place subject to BellSouth's Motion for Protective Order and for certain documents subject to the following.

With respect to the documents requested in Data Requests 13 and 14 in Tim Devlin's letter dated June 19, 1998, to all local exchange companies regarding 980000A-SP, undocketed special project, fair and reasonable rates, BellSouth has certain materials that it has provided to bond rating agencies, including Standard & Poor's and Moody's, on its own behalf, but it does not have possession, custody or control of any such documents that might have been prepared by BellSouth Corporation or any of its other subsidiaries.

The materials BellSouth has that may be responsive to those particular requests constitute confidential proprietary business information, some of which is so sensitive that any individual who reviews the information is deemed to be an "insider" for purposes of the Securities and Exchange Commission rules.

With this in mind, and assuming that those members of the Office of Public Counsel who wish to review this material are willing to review the materials with the understanding that doing so may make them "insiders" for purposes of the Securities and Exchange Commission, BellSouth will produce the requested materials that are in its possession, custody and control at a mutually agreed upon time and place, subject to the material being treated as proprietary confidential business information. BellSouth will file Notices and Requests for Confidential Classification at the appropriate time.

Respectfully submitted this 31st day of July, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (ke)

ROBERT G. BEATTY

NANCY B. WHITE

c/o Nancy H. Sims

150 So. Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5555

William J. Ellenberg II (ke)

WILLIAM J. ELLENBERG II

MARY K. KEYER

Suite 4300

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0711

127813

CERTIFICATE OF SERVICE
Docket No. 980733-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand-Delivery this 31st day of July, 1998 to the following:

Jack Shreve
Public Counsel
Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Mary K. Keyer (KR)
Mary K. Keyer