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General Counsel-Florida

BellSouth Telecommunications, Inc.  
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Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

JAN 10 1999

FPSC-Records/Reporting

January 5, 1999

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' Third 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.

- ACK \_\_\_\_\_
- AFA Wright
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU 2
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

RECEIVED & FILED  
*[Signature]*  
FLORIDA BUREAU OF RECORDS

Sincerely,  
*Nancy B. White*  
Nancy B. White *(BW)*

Enclosures

cc: All parties of record  
Marshall M. Criser, III  
William J. Ellenberg II

DOCUMENT NUMBER-DATE

00114 JAN-5 99

FPSC-RECORDS/REPORTING

## 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 )  
 Company )  
 \_\_\_\_\_ ) Filed: January 5, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE  
 AND OBJECTION TO PUBLIC COUNSEL'S THIRD POST-SETTLEMENT  
 REQUEST FOR PRODUCTION OF DOCUMENTS (1997 EARNINGS)  
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), 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 (1997 Earnings) dated December 1, 1998 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, BellSouth 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, nonregulated operations information, and other 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). Some of the information responsive to Public Counsel's First Post Settlement Request for Production of Documents are not in the custody, possession, or control of BellSouth. However, BellSouth Corporation, the parent of BellSouth as a matter of comity, is willing voluntarily to make available appropriate information or make an appropriate reply to those questions. 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 BellSouth Corporation.

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**

7. With respect to Request No. 50, 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.

8. With respect to Request No. 51, 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.

9. With respect to Request No. 52, 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.

10. With respect to Request No. 53, 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.

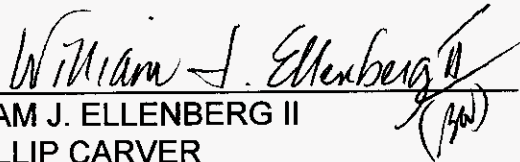
Respectfully submitted this 5<sup>th</sup> day of January, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



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WILLIAM J. ELLENBERG II (BN)  
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**CERTIFICATE OF SERVICE  
Docket No. 920260-TL**

**I HEREBY CERTIFY that a copy of the foregoing has been furnished by**

**U.S. Mail this 5th day of January, 1999 to:**

=====

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*Nancy B. White*  
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