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Michael W. Tye
Senior Attorney

August 5, 1991

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106 East College Avenue
Tallahassee, Florida 32301
904 425-6360

**ORIGINAL
FILE COPY**

Mr. Steven C. Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

~~Re: Docket No. 910060-TP~~

Dear Mr. Tribble:

Enclosed for filing in the above referenced docket are one (1) original and fifteen (15) copies of AT&T's Response, Objectives, and Motion For Protective Order With Respect to Citizens' First Set of Requests For Production of Documents to AT&T. Copies of the foregoing are being served on all parties of record in accordance with the attached Certificate of Service.

Yours truly,

Michael W. Tye
Michael W. Tye

- ACK ✓
- AFA _____
- APP 1 w/m
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN 6
- OPC _____
- RCH 1
- SEC 1
- WAS _____
- OTH _____

MWT:sdh

Attachments

cc: J. P. Spooner, Jr.

RECEIVED & FILED

3/8
FPSO BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07891 AUG -5 1991

FSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Attorney) DOCKET NO. 910060-TP
General and the Public Counsel) SUBMITTED FOR FILING:
to adopt rules governing) AUGUST 5, 1991
900 services)
_____)

AT&T'S RESPONSE, OBJECTIONS, AND MOTION
FOR PROTECTIVE ORDER WITH RESPECT TO
CITIZENS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.

Pursuant to Rule 25-22.025 and Rule 25-22.034, Florida Administrative Code, as well as, Rule 1.350 and Rule 1.280, Florida Rules of Civil Procedure, AT&T Communications of the Southern States, Inc. ("AT&T") submits its Response, Objections and Motion for Protective Order With Respect to Citizens' First Set of Requests for Production of Documents in the above-referenced case.

General Objections

1. AT&T objects to Citizens' First Set of Requests for Production of Documents in the above-referenced case on the grounds that the instant proceeding is a rulemaking proceeding in which discovery rights do not apply. The instant proceeding is being conducted pursuant to the provisions of Section 120.54, Florida Statutes, and the provisions of Part II (Rulemaking Proceedings) of the Florida Public Service Commission's ("Commission") Rules of Practice and Procedure, Chapter 25-22, Florida Administrative Code. Pursuant to Rule 25-22.025, Florida Administrative Code, the discovery provisions of Rule 25-22.034, Florida Administrative Code, apply only to proceedings

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07831 AUG -5 1991


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conducted pursuant to Part IV (Decisions Determining Substantial Interests) of the Commission's Rules of Practice and Procedure. Since this proceeding has not been designated as a proceeding determining substantial interests, Citizens' Request for Production of Documents is improper and without legal basis.

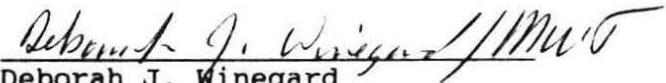
Motion for Protective Order

To the extent that either the Commission's Rules of Practice and Procedure or the Florida Rules of Civil Procedure require a Motion for a Protective Order with respect to Citizens' First Set of Requests for Production of Documents, AT&T respectfully requests that the Commission issue such an order protecting AT&T from discovery that is not permitted by the Commission's Rules of Practice and Procedure. As grounds for such motion, AT&T submits the arguments set forth in the General Objection stated above.

Respectfully submitted,



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ATTORNEYS FOR AT&T
COMMUNICATIONS OF THE
SOUTHERN STATES, INC.

CERTIFICATE OF SERVICE

DOCKET NO. 910060-TP

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U. S. Mail to the following parties on this 5th day of August, 1991:

Harris R. Anthony
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Telegraph Company
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CERTIFICATE OF SERVICE
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Michael W. Tye

DATE: 8/5/11

TO: ~~Legal~~ Appeals

The attached is sent to you for:

- Your Information
- Further Handling
- Necessary action
- Advice on Handling
- Response

Remarks: Copies sent to CMM
Original notice to dtfl.

Division of Records & Reporting TB

PSC/R&R 9 (3/87)