

SIDNEY J. WHITE, JR.  
General Attorney

Southern Bell Telephone  
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(404) 529-5094

November 30, 1992

Mr. Steve C. Tribble  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Thirty-Second Request for Production of Documents and Motion for Temporary Protective Order. Please file these documents in the above-captioned docket.

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 on the parties shown on the attached Certificate of Service.

Sincerely,

  
Sidney J. White, Jr.

Enclosures

cc: All Parties of Record  
A. M. Lombardo  
H. R. Anthony  
R. D. Lackey

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**CERTIFICATE OF SERVICE**  
**Docket No. 910163-TL**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 30th day of November 1992 to:

Charles J. Beck  
Assistant Public Counsel  
Office of the Public Counsel  
812 - 111 W. Madison Street  
Tallahassee, FL 32399-1400

Tracy Hatch  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line. The signature is fluid and stylized, with a long horizontal stroke extending to the left and a large loop at the end.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of )  
Citizens of the State of Florida ) Docket No. 910163-TL  
to Initiate Investigation into )  
Integrity of Southern Bell ) Filed: November 30, 1992  
Telephone and Telegraph Company's )  
Repair Service Activities and )  
Reports. )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
THIRTY-SECOND REQUEST FOR PRODUCTION OF DOCUMENTS  
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), 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") Thirty-Second Request for Production of Documents dated October 30, 1992 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, Southern Bell 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, customer-specific information and other proprietary confidential business information. Such information is specifically included as proprietary confidential business

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information pursuant to § 364.183, Florida Statutes. If Public Counsel subsequently notifies Southern Bell that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell 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 RESPONSE AND OBJECTIONS

1. Southern Bell 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.

2. Southern Bell objects to Public Counsel's definition of "document" or "documents." Public Counsel's definition of these terms is overly broad and is objectionable pursuant to standards adopted in Caribbean Security Systems v. Security Control Systems, Inc., 486 So. 2d 654 (Fla. App. 3rd District 1986).

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

5. Southern Bell 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. Southern Bell objects to Public Counsel's requests on the basis that certain classes of documents requested are not relevant to the subject matter of this proceeding. Rule 1.280, Florida Rules of Civil Procedure, state that "parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action." This proceeding concerns Southern Bell's regulated repair service operations in the State of Florida. Therefore, any and all data regarding Southern Bell's operations in other states, some information concerning other affiliated companies (which, in addition to being irrelevant may also be proprietary) and some information concerning Southern Bell's unregulated services are not relevant

to this proceeding and therefore are not the proper subject of discovery.

7. The following Specific Responses are given subject to the above-stated General Responses and Objections.

SPECIFIC RESPONSES

8. In response to Request No. 1, Southern Bell will produce the responsive documents for April 1992 subject to the Company's Motion for Temporary Protective Order set forth above. The customer billing records to be provided will be for the months in which the rebate was given.

9. In response to Request No. 2, see Southern Bell's response to Request No. 1.

10. In response to Request No. 3, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

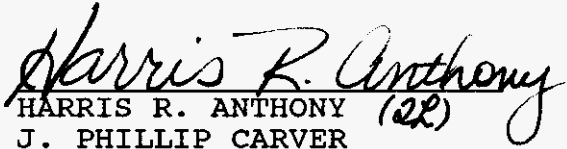
11. In response to Request No. 4, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

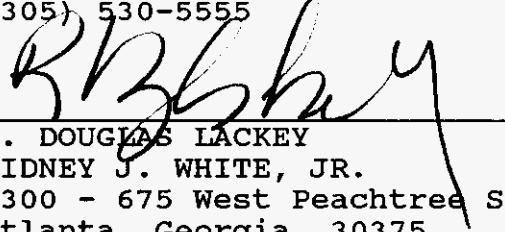
12. In response to Request No. 5, Southern Bell will produce responsive documents in its possession, custody, or control at a mutually convenient time and place.

13. In response to Request No. 6, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place, subject to the Company's Motion for Temporary Protective Order set forth above.

Respectfully submitted this 30th day of November 1992.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
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