

SIDNEY J. WHITE, JR.  
General Attorney

Southern Bell Telephone  
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(404) 529-5094

February 11, 1993

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

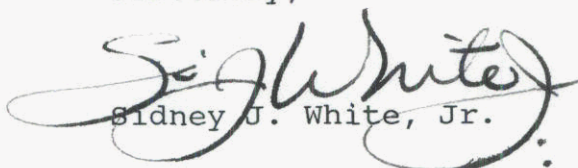
RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Staff's Twenty-Ninth Request for Production of Documents dated January 7, 1993, and its Motion for Protective Order which we ask that you file 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.

ACK \_\_\_\_\_  
AFA 1  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR cc: All Parties of Record  
EAG \_\_\_\_\_  
LEG 1 A. M. Lombardo  
LIN 6 H. R. Anthony  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1 R. D. Lackey  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

RECEIVED & FILED

FPSB BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
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FPSB-RECORDS/REPORTING

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

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 11th day of February, 1993 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 large initial "T" and a long, sweeping underline.

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: February 11, 1993  
Telephone and Telegraph Company's )  
Repair Service Activities and )  
Reports. )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO STAFF'S TWENTY-NINTH REQUEST FOR  
PRODUCTION OF DOCUMENTS AND ITS MOTION FOR PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and (1) pursuant to Rule 25-22.034 Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, files its Response and Objections to Staff's Twenty-Ninth Request for Production of Documents dated January 7, 1993, and (2) pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, its Motion for Protective Order.

MOTION FOR PROTECTIVE ORDER

Some of the documents requested by Staff in its Twenty-Ninth Request for Production of Documents are privileged documents. Specifically, Staff has requested copies of certain audit reports and workpapers related thereto. Staff's request, as framed, seeks the production of privileged internal audits commissioned and supervised by the Legal Department relating to the matters referenced in Staff's list of requested audits. This information is privileged on the basis of the Attorney-Client Privilege and Work Product Doctrine, or both. Thus, pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, Southern Bell moves the Prehearing Officer to issue a Protective Order directing that

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REC'D-RECORDS/REPORTING

discovery not be had with respect to these privileged documents. Southern Bell's specific responses to Request Nos. 1-4 set forth herein further specify the basis on which the documents are deemed to be privileged.

#### GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition of "document" or "documents." Staff'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).

2. Southern Bell objects to Staff's definition of "relating to." Staff's definition of this term is overly broad and objectionable in that under Staff's definition, a document "relating to" a given subject could literally mean any document mentioning the subject in any way, shape, or form. Clearly, such an overly broad and unduly burdensome qualification for testing the responsiveness of documents in the context of discovery is improper and would cause the production of unnecessary, unrelated and irrelevant documents.

3. Southern Bell objects to Staff's suggestion that this request for production of documents is continuing in nature. A party who responds to a request for discovery with a response that is complete when made is under no duty to supplement such response thereafter to include information later acquired. Rule 1.280(e), Florida Rules of Civil Procedure. Consequently,

Staff's request that this discovery be continuing in nature is improper and therefore objectionable.

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

SPECIFIC RESPONSES

5. With respect to Request No. 1, Southern Bell objects to this request on the basis that it calls for the production of privileged and irrelevant documents. The requested audit reports represent the findings of privileged internal audits conducted at the direct request and under the direct supervision of attorneys for Southern Bell, and in some cases, attorneys for BellSouth Corporation. In all instances, these audits were specifically conducted to assist the Legal Department in gathering information to be used to provide legal advice and counsel to the Corporation. The audits were not conducted in the normal course of business and would not have been conducted had they not been requested by the Legal Department. Consequently, these documents are exempt from discovery based on the Attorney-Client Privilege and Work Product Doctrine. Additionally, Southern Bell objects to this request on the basis that certain of the audit reports are irrelevant to the issues in these consolidated dockets. One audit was performed solely in Georgia and contains no information pertinent to the State of Florida.

2. With respect to Request No. 2, Southern Bell objects to this request on the basis that it calls for the production of workpapers from privileged internal audits conducted at the


direct request and under the direct supervision of attorneys for Southern Bell and, in some cases, BellSouth Corporation. Also, to the extent any workpapers relate to the Georgia-specific audit referenced in paragraph 5, these documents are irrelevant to this proceeding. These workpapers constitute a substantive portion of these privileged audits and are, therefore, exempt from discovery based on the Attorney-Client Privilege and Work Product Doctrine.


3. With respect to Request No. 3, Southern Bell objects to this request on the basis that it calls for the production of privileged documents. The requested audit reports represent the findings of privileged internal audits conducted at the direct request and under the direct supervision of attorneys for Southern Bell, and in some cases, attorneys for BellSouth Corporation. In all instances, these audits were specifically conducted to assist the Legal Department in gathering information to be used to provide legal advice and counsel to the Corporation. The audits were not conducted in the normal course of business and would not have been conducted had they not been requested by the Legal Department. Consequently, these documents are exempt from discovery based on the Attorney-Client Privilege and Work Product Doctrine.

4. With respect to Request No. 4, see Southern Bell's response to Request No. 2.

Respectfully submitted this 11th day of February, 1993

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
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