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ORIGINAL  
FILE COPY

June 15, 1995

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response And Objections to Public Counsel's Fifth Post-Settlement Request for Production of Documents and Motion for a Temporary Protective Order. Please file these documents in the 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,

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

ACK ✓

AFA 1

APP \_\_\_\_\_

CAF Enclosures

CMU Porter  
cc: All Parties of Record

CTR \_\_\_\_\_ A. M. Lombardo

EAG \_\_\_\_\_ R. G. Beatty

LEB \_\_\_\_\_ R. D. Lackey

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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 ) Filed: June 15, 1995  
Company )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE  
AND OBJECTIONS TO PUBLIC COUNSEL'S FIFTH POST-SETTLEMENT  
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") Fifth Post-Settlement Request for  
Production of Documents dated May 16, 1995 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, information concerning nonregulated  
operations, and other proprietary confidential business  
information. Such information is specifically included as

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FPSC-RECORDS/REPORTING

proprietary confidential business information pursuant to § 364.183(3)(f), 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. Notwithstanding this objection, the following documents have been withheld on the basis of the attorney-client privilege and work product doctrine:

- a. Correspondence from Southern Bell's counsel dated November 11, 1991; December 12, 1991; July 24, 1992; August 5, 1992; September 2, 1992; September 9, 1992; March 11, 1993; February 28, 1994; October 24, 1994; November 8, 1994; and
- b. Internal correspondence from Southern Bell's in-house counsel dated March 16, 1993; August 4, 1993; and
- c. Facts and Claims from the Plaintiff's perspective; and
- d. Outline of argument on tariff issues; and
- e. Handwritten notes of Southern Bell's in-house counsel.

2. With regard to Public Counsel's definition of "document" or "documents", Southern Bell has made a diligent, good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

3. Southern Bell 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 Fourth Post-Settlement Request for Production of Documents are not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. 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 BSC.

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

#### SPECIFIC RESPONSES

7. With respect to Request No. 68, Southern Bell 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. 69, Southern Bell 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. 70, Southern Bell has no documents that are in its possession, custody, or control responsive to this request.

10. With respect to Request No. 71, Southern Bell has no documents in its possession, custody, or control responsive to this request.

11. With respect to Request No. 72, Southern Bell has no documents in its possession, custody, or control responsive to this request.

12. With respect to Request No. 73, Southern Bell 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.

13. With respect to Request No. 74, Southern Bell 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. However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. 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 BSC.

14. With respect to Request No. 75, Southern Bell 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.

15. With respect to Request No. 76, Southern Bell 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.

16. With respect to Request No. 77, Southern Bell 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.

17. With respect to Request No. 78, Southern Bell 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.

18. With respect to Request No. 79, Southern Bell 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 15th day of June, 1995.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

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**CERTIFICATE OF SERVICE**

**Docket No. 920260-TL**

**Docket No. 900960-TL**

**Docket No. 910163-TL**

**Docket No. 910727-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 15th day of June, 1995 to:

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