

Timothy F. Coen
General Attorney

Southern Bell Telephone
and Telegraph Company
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Atlanta, Georgia 30375
404 529-5387

December 3, 1991

**ORIGINAL
FILE COPY**

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 please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Combined Responses and Objections to Staff's Third, Fourth, Fifth and Sixth Requests for Production of Documents and Its Notice of Intent to Request Specified Confidential Classification and Request for Ruling or, in the Alternative, for a Protective Order which we ask that you file 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 yours,

Timothy F. Coen (COA)
Timothy F. Coen

- ACK
- AFA _____
- APP
- CAF _____

CMU - Enclosures

- CTF _____
- EAG _____
- LEG LW/M _____
- LIN Lo _____
- OPC _____
- RCH _____
- SEC
- WAS _____
- OTH Kay _____

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

RECEIVED & FILED

JJ
FPSC-BUREAU OF RECORDS

A BELL SOUTH Company

DOCUMENT NUMBER-DATE

11948 DEC-3 1991

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
DOCKET NO. 910163-TL

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 3rd day of December, 1991.

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, Florida 32399-1400

Robert Vandiver
Division of Legal Services
Florida Public Service
101 East Gaines Street
Tallahassee, Florida 32399-0863

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

Timothy F. Coen (pg)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of)
Citizens of the State of Florida)
to initiate investigation into)
integrity of Southern Bell)
Telephone and Telegraph Company's)
repair service activities and)
reports.)
_____)

Docket No. 910163-TL

Filed: December 3, 1991

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S COMBINED
RESPONSES AND OBJECTIONS TO STAFF'S THIRD, FOURTH, FIFTH AND
SIXTH REQUESTS FOR PRODUCTION OF DOCUMENTS AND ITS NOTICE OF
INTENT TO REQUEST SPECIFIED CONFIDENTIAL CLASSIFICATION AND
REQUEST FOR RULING OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER

COMES NOW, Southern Bell Telephone and Telegraph Company
("Southern Bell" or "Company") and files: (1) its Combined
Responses and Objections to the Staff's Third, Fourth, Fifth and
Sixth Requests for Production of Documents; and (2) its Notice of
Intent to Request Confidential Classification and Request for
Ruling or, in the Alternative, for a Protective Order.

NOTICE OF INTENT TO REQUEST SPECIFIED CONFIDENTIAL
CLASSIFICATION AND REQUEST FOR RULING OR, IN THE
ALTERNATIVE, FOR A PROTECTIVE ORDER

Many of the documents that will be delivered to and reviewed
by Florida Public Service Commission Staff ("Staff") in response
to its Third, Fourth, Fifth and Sixth Requests for Production of
Documents (collectively, the "Document Requests") contain
information which is exempted from disclosure pursuant to Section
119.07, Florida Statutes. Specifically, for example, a number of
the documents reflect customer information, including the
customer's name, address, telephone number and, occasionally,
other identifying information which is exempt from the Open

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Records Act as a matter of law under § 119.07(3)(w), Florida Statutes. The remaining information has already been produced for the Office of Public Counsel and, as such, is already the subject of existing temporary protective orders which, pursuant to Rule 25-22.006(5)(b), Florida Administrative Code, exempt the proprietary confidential business information contained in said documents from § 119.07(1), Florida Statutes, whether the information is in the possession of the Florida Public Service Commission, as a state agency, or the Office of Public Counsel.

Due to the magnitude of the documents requested in the Document Requests, and notwithstanding the fact that in Southern Bell's view, as stated above, these documents contain information which is already exempt from the Open Records Act, in an abundance of caution Southern Bell is filing as part of this pleading its Notice of Intent to Request Confidential Classification pursuant to Rule 25-22.006(3)(a), Florida Administrative Code. This will allow the Staff to take possession of the documents without delay while assuring the continued confidential treatment of documents produced in response to the Document Requests pending a ruling by the Prehearing Officer on Southern Bell's request for a ruling and/or protective order as more fully described below. The original of this Notice has been filed with the Division of Records and Reporting, and a copy has been served on the division requesting the information. Each of the written Staff Document Requests has already been filed with the Division of Records and Reporting.

Based upon the foregoing, and in order to assure the continued confidential treatment of documents produced in response to the Document Requests, Southern Bell hereby respectfully requests a ruling by the Prehearing Officer either:

- (i) confirming that the documents delivered to the Staff pursuant to the Document Requests are exempt from § 119.07(1), Florida Statutes, without the necessity of line numbering and redacting under Rule 25-22.006, Florida Administrative Code because they are covered by the existing temporary protective orders pertaining to said documents and because all information consisting of customer name, address and telephone number is exempt from the Open Records Act as a matter of law under § 119.07(3)(w), Florida Statutes; or
- (ii) granting Southern Bell a protective order waiving the line numbering and redacting requirements of Rule 25-22.006 for documents containing customer name, address and telephone number on the grounds that the extensive line numbering and redacting required by Rule 25-22.006 is not necessary in view of the provisions of § 119.07(3)(w), Florida Statutes and further waiving said requirements for other documents produced in response to the Document Requests because, given the volume of documents being produced by Southern Bell, such a requirement would be unduly burdensome and oppressive in this instance.

Southern Bell further respectfully requests that the Prehearing Officer rule on the foregoing matters on or before 21 days from the date Staff obtains any documents under the Document Requests and further requests that, if the Prehearing Officer denies Southern Bell's requests for ruling herein, in whole or in part, the Prehearing Officer grant to Southern Bell an additional 21 days from the date of the Prehearing Officer's order denying Southern Bell's requests herein to file a Request for Confidential Classification in accordance with Rule 25-22.006 with respect to the documents produced in response to the Staff's Document Requests.

SPECIFIC RESPONSES AND OBJECTIONS TO STAFF'S
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

1. In response to Request Nos. 1 through 10 of Staff's Third Request for Production of Documents ("Staff's Third Request"), Southern Bell states that it will produce, at a mutually agreeable time and place, all documents in its possession, custody, or control responsive to Request Nos. 1 through 10 of Staff's Third Request.

SPECIFIC RESPONSES AND OBJECTIONS TO STAFF'S
FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS

2. In response to Request Nos. 1 through 3 of Staff's Fourth Request for Production of Documents ("Staff's Fourth Request"), Southern Bell will produce, at a mutually agreeable time and place, all documents in its possession, custody or control responsive to Request Nos. 1 through 3 of Staff's Fourth Request.

3. In response to Request No. 4 of Staff's Fourth Request, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request No. 4 of Staff's Fourth Request.

4. In response to Request Nos. 5 and 6 of Staff's Fourth Request, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request Nos. 5 and 6 of Staff's Fourth Request. By way of further explanation, Southern Bell states that the "source data" and the specific "DLETHs and customer billing records" requested in Request Nos. 5 and 6 of Staff's Fourth Request are not retained in paper or electronic format in the ordinary course of Southern Bell's business. Rather, this information is collected for purposes of the relevant operational review and is disposed of contemporaneously with the completion of the relevant operational review and the issuance of the relevant operational summary report.

5. In response to Request No. 7 of Staff's Fourth Request, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request No. 7 of Staff's Fourth Request. By way of further explanation, Southern Bell states that the "MA STADD TED FILE" referred to in the Request exists dynamically in Southern Bell's computer records and is updated on a daily basis. Therefore, no copies of prior iterations are retained and the "MA STADD TED FILE" as referred to in the South Dade Operational Review, August 1990, no longer

exists.

6. In response to Request Nos. 8 through 10 of Staff's Fourth Request, Southern Bell states that it does not have in its possession, custody or control any documents responsive to Request Nos. 8 through 10 of Staff's Fourth Request. By way of further explanation, see response set forth in paragraph 4 above.

7. In response to Request No. 11 of Staff's Fourth Request, Southern Bell states that, to the best of Southern Bell's knowledge, there is no such document as "MTAS report 94" as requested in Request No. 11 of Staff's Fourth Request.

8. In response to Request No. 12 of Staff's Fourth Request, Southern Bell will produce, at a mutually agreeable time and place, all documents in its possession, custody or control responsive to Request No. 12 of Staff's Fourth Request.

9. In response to Request Nos. 13 through 18 of Staff's Fourth Request, Southern Bell states that, except as specifically set forth below with regard to Request Nos. 14 and 15 of Staff's Fourth Request, Southern Bell does not have in its possession, custody or control any documents responsive to Request Nos. 13 through 18 of Staff's Fourth Request. By way of further explanation, see response set forth in paragraph 4 above. Notwithstanding the foregoing, in Response to Request Nos. 14 and 15 of Staff's Fourth Request, Southern Bell states further as follows:

- (a) In response to Request No. 14 of Staff's Fourth Request, Southern Bell states that, based upon the

partial "source data" located from the one employee who had retained copies thereof as discussed in response to Request No. 15 of Staff's Fourth Request, Southern Bell pulled DLETHS and the customer billing records for the period requested in Request No. 14 of Staff's Fourth Request. Southern Bell will produce these documents in response to Request No. 14 of Staff's Fourth Request at a mutually agreeable time and place.

- (b) In response to Request No. 15 of Staff's Fourth Request, Southern Bell did locate one employee who had retained a portion of the "source data" requested in Request No. 15 of Staff's Fourth Request in said employee's personal file. Southern Bell will produce, at a mutually agreeable time and place, said partial "source data" in response to Request No. 15 of Staff's Fourth Request.

SPECIFIC RESPONSES AND OBJECTIONS TO STAFF'S
FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS

10. In response to Request No. 1 of Staff's Fifth Request for Production of Documents ("Staff's Fifth Request"), Southern Bell states that it will produce, at a mutually agreeable time and place, all documents in its possession, custody or control responsive to Request No. 1 of Staff's Fifth Request.

SPECIFIC RESPONSES AND OBJECTIONS TO STAFF'S
SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS

11. In response to Request Nos. 1 and 2 of Staff's Sixth Request for Production of Documents ("Staff's Sixth Request"), Southern Bell states that it will produce, at a mutually agreeable time and place, all documents in its possession, custody or control responsive to Request Nos. 1 and 2 of Staff's Sixth Request.

12. In response to Request No. 3 of Staff's Sixth Request, Southern Bell identifies Gary Hall, Manager - Network, 675 W. Peachtree Street, N.E., Atlanta, Georgia 30375 as a contact person that can discuss the tapes provided in response to Staff's Sixth Request in order to extract the desired information.

Respectfully submitted this 3rd day of December, 1991.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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