

SIDNEY J. WHITE, JR.
General Attorney

Southern Bell Telephone
and Telegraph Company
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
(404) 529-5094

December 16, 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. 920260-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 Twenty-Third 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.

ACK 2
AFA 3
APP _____
CAF _____
CMT _____
CPC _____

Sincerely,


Sidney J. White, Jr.

cc Enclosures

cc: All Parties of Record

LES 1 A. M. Lombardo
LH 6 H. R. Anthony
R. D. Lackey

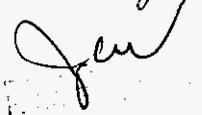
CPC _____

RCR _____

SEC 1 _____

WAS _____

OTH Kay _____



DOCUMENT NUMBER-DATE

14530 DEC 16 1992

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished
by United States Mail this 16th day of December, 1992 to:

Robin Norton
Division of Communications
Florida Public Svc Commission
101 East Gaines Street
Tallahassee, FL 32399-0866

Michael J. Henry
MCI Telecommunications Corp.
MCI Center
Three Ravinia Drive
Atlanta, Georgia 30346-2102

Angela Green
Division of Legal Services
Florida Public Svc Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Richard D. Melson
Hopping Boyd Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314
atty for MCI

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
716 - 315 S. Calhoun Street
Tallahassee, Florida 32301
atty for FIXCA

Rick Wright
Regulatory Analyst
Division of Audit and Finance
Florida Public Svc Commission
101 East Gaines Street
Tallahassee, FL 32399-0865

Patrick K. Wiggins
Wiggins & Villacorta, P.A.
Post Office Drawer 1657
Tallahassee, Florida 32302
atty for Intermedia

Peter M. Dunbar
Haben, Culpepper, Dunbar
& French, P.A.
Post Office Box 10095
Tallahassee, FL 32301
atty for FCTA

Joseph Gillan
J. P. Gillan and Associates
Post Office Box 541038
Orlando, Florida 32854-1038

Chanthina R. Bryant
Sprint
3065 Cumberland Circle
Atlanta, GA 30339

Floyd Self, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for US Sprint

Michael W. Tye
AT&T Communications of the
Southern States, Inc.
Suite 1410
106 East College Avenue
Tallahassee, Florida 32301

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

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302
atty for FCAN

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky, Jackson,
& Dickens
2120 L Street, N.W.
Washington, DC 20037

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd. #128
Tampa, FL 33609

Mr. Cecil O. Simpson
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Advocate General
Department of the Army
901 North Stuart Street
Arlington VA 22203-1837

Michael B. Twomey
Assistant Attorney General
Department of Legal Affairs
Room 1603, The Capitol
Tallahassee, FL 32399-1050

Florida Pay Telephone
Association, Inc.
c/o Mr. Lance C. Norris
President
202 - 8130 Baymeadows Cir. West
Jacksonville, FL 32256

Bill L. Bryant, Jr., Esq.
Foley & Lardner
Suite 450
215 South Monroe Street
Tallahassee, FL 32302-0508

Douglas S. Metcalf (Ad Hoc)
Communications Consultants, Inc.
1600 E. Amelia Street
Orlando, FL 32803

Thomas F. Woods, Esq.
Gatlin, Woods, Carlson, and
Cowdery
1709-D Mahan Drive
Tallahassee, FL 32308
atty for the Florida Hotel and
Motel Association

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom &
Ervin
305 South Gadsen Street
Tallahassee, FL 32302

Laura L. Wilson, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

A handwritten signature in cursive script, appearing to read "Joe White", with a horizontal line drawn through the middle of the signature.

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: December 16, 1992
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
TWENTY-THIRD 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") Twenty-Third Request for Production of Documents dated November 16, 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, internal audit information, information relating to human resources planning and other labor-related and force management activities, and other proprietary confidential business information. Such information

is specifically included as proprietary confidential business 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 earnings 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. 316, Southern Bell will produce documents responsive to this request in the same manner and subject to the same conditions under which the Company responded to Staff's Tenth Request for Production of Documents.

9. In response to Request No. 317, Southern Bell objects to this request on the basis that it calls for the production of documents containing proprietary confidential business information in the form of internal audit reports and customer-specific information. Notwithstanding this objection, Southern Bell will produce documents responsive to this request 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.

10. In response to Request No. 318, Southern Bell objects to this request on the basis that it calls for the production of documents containing proprietary confidential business information in the form of customer-specific information. Notwithstanding this objection, Southern Bell will produce documents responsive to this request 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.

11. In response to Request No. 319, Southern Bell objects to this request on the basis that it calls for the production of documents containing proprietary confidential business information in the form of customer-specific information. Notwithstanding this objection, Southern Bell will produce documents responsive to this request 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.

12. In response to Request No. 320, Southern Bell objects to this request on the basis that it calls for the production of documents containing proprietary confidential business information in the form of human resources planning information and other labor-related and force management information. Southern Bell also objects to this request on the basis that the responsive documents are overly burdensome and oppressive to produce other than where they are maintained in the normal course of business. Over thirty-three (33) linear feet of documents exist and are maintained in Atlanta, Georgia alone. Notwithstanding these objections, Southern Bell will produce summary documents relating to this particular request which address the main points referenced in the request and will make available for review the other related documents where they are currently maintained in the normal course of business subject to the Company's Motion for Temporary Protective Order set forth above.

13. In response to Request No. 321, Southern Bell objects to this request on the basis that it calls for the production of

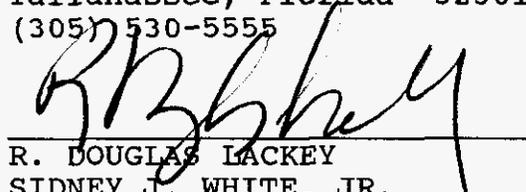
documents containing proprietary confidential business information in the form of human resources planning information and other labor-related and force management information. Southern Bell also objects to this request on the basis that the responsive documents are overly burdensome and oppressive to produce other than where they are maintained in the normal course of business. Notwithstanding these objections, Southern Bell will produce summary documents relating to this particular request which address the main points referenced in the request and will make available for review the other related documents where they are currently maintained subject to the Company's Motion for Temporary Protective Order set forth above.

Respectfully submitted this 16th day of December 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


HARRIS R. ANTHONY (2X)

J. PHILLIP CARVER
c/o Marshall M. Criser
400 - 150 South Monroe Street
Tallahassee, Florida 32301
(305) 530-5555


R. DOUGLAS LACKEY
SIDNEY J. WHITE, JR.
4300 - 675 West Peachtree St., N.E.
Atlanta, Georgia 30375
(404) 529-5094