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August 17, 1993

920260-TL

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 Forty-Third Request for Production of Documents dated July 13, 1993 and its 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.

Sidney J. White, Jr. (es)

Enclosures

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

- ACK _____
- AFA 1
- APP _____
- CIF _____
- CM** _____
- CTR _____
- ENG _____
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FL DC-RECORDS, REPORTING

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 17th day of August, 1993 to:

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Sickey J. White, Jr.
(es)

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: August 17, 1993

ORIGINAL
FILE COPY

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
FORTY-THIRD REQUEST FOR PRODUCTION OF DOCUMENTS AND
ITS MOTION FOR 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 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Forty-Third Request for Production of Documents dated July 13, 1993, 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, a Company commissioned study and related

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information analyzing and assessing key aspects of the Company's internal business practices and relationships and internal training materials purchased from an outside vendor. This information is included as proprietary confidential business information under § 364.183(3), (3)(a), (3)(d) and (3)(e), Florida Statutes and Rule 25-22.006, Florida Administrative Code. 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(5)(c), Florida Administrative Code, file a detailed motion for protective order specifically addressing each of the documents identified by Public Counsel.

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 Instruction requesting "... a description of the sequence or order of the documents..." being produced. Such a request is patently unreasonable. The "sequence or order" of documents being produced is readily apparent; therefore, Public Counsel's

request for a narrative description of what can be easily determined based on a review of the documents themselves is unnecessary and objectionable.

3. 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.

4. 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 be directed only 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).

5. 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.

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

SPECIFIC RESPONSES

7. With respect to Request No. 101, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

8. With respect to Request No. 102, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of a Company commissioned study and related information which analyzes and assesses key aspects of Southern Bell's internal business practices and relationships. This information is proprietary confidential business information pursuant to Section 364.183(3), (3)(a) and (3)(c), Florida Statutes. Notwithstanding this objection, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place, subject to its Motion for Temporary Protective Order set forth above.

9. With respect to Request No. 103, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of internal training materials purchased from an outside vendor. This information is proprietary confidential business information pursuant to Section 364.183(3), (3)(a) and (3)(d), Florida Statutes. Notwithstanding this objection 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 17th day of August, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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