

SIDNEY J. WHITE, JR.
General Attorney

Southern Bell Telephone
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ORIGINAL
FILE COPY

October 12, 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. 900960-TL 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 Twelfth Request for Production of Documents and 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.

- ACK _____
- AFA 2 _____
- APP _____
- CAF _____
- CML _____
- CTR _____
- EAG _____
- LEG W/m _____
- LIN b _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

Sincerely,

Sidney J. White, Jr. (PW)
Sidney J. White, Jr.

Enclosures

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

RECEIVED & FILED

M. S. Sully
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10916 OCT 12 88

EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILE COPY

In re: Show Cause proceeding)
against Southern Bell Telephone)
and Telegraph Company for)
misbilling customers)
_____)

Docket No. 900960-TL
Filed: October 12, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE AND
OBJECTIONS TO PUBLIC COUNSEL'S TWELFTH 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") Twelfth Request for Production of Documents dated September 7, 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, employee personnel information unrelated to compensation, duties, qualifications, or responsibilities, and other proprietary confidential business information. Such

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

information is specifically included as 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, if any document is withheld based on privilege, Southern Bell will provide a list generally describing such document.

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" as well as the definition of "Southern Bell". 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. The following Specific Responses are given subject to the above-stated General Responses and Objections.

SPECIFIC RESPONSES

7. In response to Request No. 1, Southern Bell will produce responsive documents in its possession, custody or control for Public Counsel subject to its Motion for Temporary Protective Order set forth above.

Respectfully submitted this 12th day of October, 1992.

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 12th day of October, 1993 to:

Robin Norton
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Tallahassee, FL 32399-0866

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Sidney L. White Jr. (Bw)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause proceeding against)
Southern Bell Telephone and Telegraph)
Company for misbilling customers)

Docket No. 900960-TL
Filed: August 16, 1993

NOTICE OF DEPOSITIONS

Pursuant to Florida Rule of Civil Procedure 1.310, notice is provided that the Citizens of Florida, by and through Jack Shreve, Public Counsel, will take the sworn deposition upon oral examination of Shelba Hartley, Aida Stewart, Carroll Muller, Emma Evans, Cindi Booth, Dottie Cruse, Greg Mathis, Betty Buchanon, Sara Brown, Shirley Williams, Elizabeth McKenzie, Martha Powell, Marlene Hughes, Gloria Healey, Dorothy Hall, Linda Hunt, Marsha Stewart, Nancy, Gorniewicz, Donna Johnson and Wanda Futch for purposes of discovery and such other purposes as are permitted by the Florida Rules of Civil Procedure. The deposition will be taken at the following time and place:

Jacksonville

Monday, August 30, 1993
301 West Bay Street, 20th Floor Conference Room C
Pre-deposition meeting in Conference Room B

09:00 a.m. Hartley, Shelba
10:00 a.m. Stewart, Aida
11:00 a.m. Muller, Carroll
01:00 p.m. Evans, Emma
02:00 p.m. Booth, Cindi

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MIAMI LEGAL
AML
U.S. MAIL - REG. RELATIONS
TALLAHASSEE, FL
FAX _____ FEB 17

Gainesville

Tuesday, August 31, 1993
903 West University Avenue/1st Floor Conference Room
Pre-deposition meeting in Mr. Christian's 2nd Floor
Conference Room

09:00 a.m. Cruse, Dottie
10:00 a.m. Mathis, Greg
11:00 a.m. Buchanon, Betty
01:00 p.m. Brown, Sara
02:00 p.m. Williams, Shirley

Daytona Beach

Wednesday, September 1, 1993
900 North Nova Road/1st Floor Conference Room
Pre-deposition check with Wayne Tubaugh in Gloria
Hart's office

09:00 a.m. McKenzie, Elizabeth
10:00 a.m. Powell, Martha

Merritt Island

Wednesday, September 1, 1993
255 North Sykes Creek Parkway/2nd Floor Conference Rm
Pre-deposition check with Wayne Tubaugh in Ms.
Bergdoll's office

01:30 p.m. Hughes, Marlene
02:30 p.m. Healey, Gloria

Fort Pierce

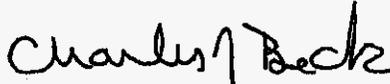
Thursday, September 2, 1993
3300 Okeechobee Rd./Rm 182 First Floor Conference Rm
Pre-deposition check with Wayne Tubaugh in Ms.
McCarthy's office

09:00 a.m. Hall, Dorothy
10:00 a.m. Hunt, Linda

Fort Pierce (cont.)

11:00 a.m. Stewart, Marsha
01:00 p.m. Gorniewicz, Nancy
02:00 p.m. Johnson, Donna
03:00 p.m. Futch, Wanda

Dated this 16th day of August, 1993.


Charles J. Beck
Deputy Public Counsel

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Attorney for the Citizens
of the State of Florida