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June 1, 1992

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

**ORIGINAL
FILE COPY**

RE: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Fifth Request for Production of Documents and Motion for a Temporary 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.

- ACK
- AFA 3
- APP
- CAF
- CPD**
- CTF
- EGG
- LEG
- LIM
- OFC
- RCH
- SEC
- WAS
- OTH

Sincerely yours,

Nancy B. White
Nancy B. White

Enclosures

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

RECEIVED & FILED

[Signature]
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05598 JUN -1 1992

FPSC-RECORDS/REPORT...

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 1st day of June, 1992 to:

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Nancy B. White

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of) Docket No. 920260-TL
the Revenue Requirements and Rate)
Stabilization Plan of Southern) Filed: June 1, 1992
Bell Telephone and Telegraph)
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S
FIFTH 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 Rules 1.280(c) and 1.350 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Fifth Request for Production of Documents dated April 27, 1992, and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order. To the extent that any individual request might otherwise be the subject of a motion for a protective order other than pursuant to Rule 25-22.006(5)(c), this response may be considered as serving that purpose. See Slatnick v. Leadership Housing System of Florida, Inc., 368 So.2d 78 (Fla. 4th D.C.A. 1979).

GENERAL RESPONSE AND OBJECTIONS

1. 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

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possession, custody, or control of entities that are not parties to this docket. Interrogatories 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).

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 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.

4. Southern Bell objects to Public Counsel's request 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, states that "parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action for period". At this point, the issues which may exist in this docket relate solely to Southern Bell's regulated earnings in Florida. Therefore, any and all data regarding Southern Bell's operations in other states

as well as any unregulated services are not relevant to this proceeding and therefore are not the proper subject of discovery. Consequently, where appropriate, Southern Bell will redact such irrelevant material from the documents produced.

5. Some of the documents that will be delivered to and reviewed by Public Counsel contain proprietary, confidential business information that should not be publicly disclosed. Thus, pursuant to the Commission's Rule on confidentiality, 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. The proprietary documents in question include, but are not limited to, financial information and forecasts. Once Public Counsel notifies Southern Bell in writing that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will file in accordance with Rule 25-22.006, Florida Administrative Code, a detailed Motion for Protective Order specifically addressing each of the documents identified.

6. 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.

SPECIFIC RESPONSES TO PUBLIC COUNSEL'S
FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS

7. Subject to the general objections, each of which is incorporated by reference into the specific responses made herein, Southern Bell responds to the individual numbered requests contained in Public Counsel's Fifth Request for Production of Documents as follows:


A. In response to Request No. 75, Southern Bell will provide at a mutually convenient time and place, the responsive materials that it has in its possession.

B. In response to Request No. 76, Southern Bell will provide at a mutually convenient time and place, the responsive materials that it has in its possession.

C. In response to Request No. 77, Southern Bell will provide at a mutually convenient time and place, the responsive materials that it has in its possession.

Respectfully submitted this 1st day of June, 1992.

ATTORNEYS FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY



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[SIGNATURES CONTINUED ON NEXT PAGE]

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