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ORIGINAL  
FILE COPY

May 15, 1995

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response And Objections to Public Counsel's Fourth Post-Settlement 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.

Sincerely,

*Nancy B. White*  
Nancy B. White (2)

ACK  \_\_\_\_\_  
AFA *Joh...* \_\_\_\_\_  
APD \_\_\_\_\_  
CAF \_\_\_\_\_  
CALL *Norton* \_\_\_\_\_  
CTF Enclosures

cc: All Parties of Record  
1 A. M. Lombardo  
5 R. G. Beatty  
R. D. Lackey

*V...*  
1

DOCUMENT NUMBER-DATE  
04691 MAY 15 1995  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

URGENT  
FILE 9/19

In re: Comprehensive Review of	)	
the Revenue Requirements and Rate	)	Docket No. 920260-TL
Stabilization Plan of Southern	)	
Bell Telephone and Telegraph	)	Filed: May 15, 1995
Company	)	
	)	

**SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE  
AND OBJECTIONS TO PUBLIC COUNSEL'S FOURTH POST-SETTLEMENT  
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") Fourth Post-Settlement Request for Production of Documents dated April 14, 1995 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, information concerning nonregulated operations, and other proprietary confidential business information. Such information is specifically included as

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FPSC-RECORDS/REPORTING

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, the following document has had portions redacted therefrom on the basis of the attorney-client privilege and work product doctrine:

- a. Voucher ID No. 94215; Invoice from Fulbright & Jaworski dated July 6, 1994; description of services rendered in connection with lawsuit redacted.

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." 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). Some of the information responsive to Public Counsel's Fourth Post-Settlement Request for Production of Documents are not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

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. With respect to Request No. 57, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. Southern Bell will produce summaries that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above. The workpapers that are the basis of the summaries are voluminous, however, Southern Bell will allow Public Counsel to view those documents in Atlanta, the location in which they are maintained.

8. With respect to Request No. 58, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

9. With respect to Request No. 59, Southern Bell objects to this request on the basis that the data requested has not yet been audited by the Internal Revenue Service. In addition, the Florida tax return is not due until October 1, 1995.

10. With respect to Request No. 60, Southern Bell has no documents that are in its possession, custody, or control responsive to this request. However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing

voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

11. With respect to Request No. 61a and 61b, Southern Bell has no documents in its possession, custody, or control responsive to this request. With respect to 61c and 61d, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

12. With respect to Request No. 62, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, Southern Bell will make the Florida specific documents available at a mutually agreeable time and place. The Headquarters documents will be made available for review to Public Counsel at the location where they are regularly maintained at a mutually convenient time.

13. With respect to Request No. 63, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

14. With respect to Request No. 64, Southern Bell refers Public Counsel to Southern Bell's response to Public Counsel's Second Request for Production of Documents, Item No. 29.

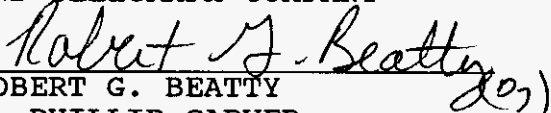
15. With respect to Request No. 65, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.


16. With respect to Request No. 66, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

17. With respect to Request No. 67, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

Respectfully submitted this 15th day of May, 1995.

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 15th day of May, 1995 to:

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