

ORIGINAL

Legal Department

MARY K. KEYER  
General Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0729

September 21, 1998

Mrs. Blanca S. Bayó  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 980733-TL

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Citizens' Fourth Request for Production of Documents, which we served today. Please file them in the captioned matter.

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 to the parties shown on the attached Certificate of Service.

- ACK ✓
- AFA 2
- APP
- CAF
- CMU
- CTR
- EAG
- LEG 2
- LIN
- OPC
- RCH 2
- SEC 1
- WAS
- OTH

Sincerely,

*Mary K. Keyer*

Mary K. Keyer

*(M)*

Enclosures

cc: All parties of record  
A. M. Lombardo  
R. G. Beatty  
William J. Ellenberg II (w/o enclosures)

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10405 SEP 21 98

FPSC-RECORDS/REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery for Study on Fair & Reasonable Rates and on Relationships Among Costs and Charges Associated with Certain Telecommunications Services Provided by LECs, as Required by Chapter 98-277. )

Docket No.: 980733-TL

Filed: September 21, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES  
AND OBJECTIONS TO CITIZENS' FOURTH  
REQUEST FOR PRODUCTION OF DOCUMENTS**

BellSouth Telecommunications, Inc. ("BellSouth"), files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to the Florida's Citizens ("Citizens") Fourth Request for Production of Documents dated August 14, 1998.

**MOTION FOR TEMPORARY PROTECTIVE ORDER**

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, BellSouth moves the Prehearing Officer to issue a Temporary Protective Order exempting these documents from § 119.07(1), Florida Statutes. These documents contain proprietary confidential business information. Such information is specifically included as proprietary confidential business information pursuant to § 364.183(3), Florida Statutes. If Public Counsel subsequently notifies BellSouth that any of the proprietary documents

DOCUMENT NUMBER-DATE

10405 SEP 21 88

FPSC-RECORDS/REPORTING

are to be used in a proceeding before the Commission, BellSouth 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 RESPONSES**

1. BellSouth incorporates by reference its General Objections to Citizens' Fourth Request for Production of Documents filed August 14, 1998, as if they were fully set forth herein.

2. BellSouth objects to Citizens' 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 Citizens would be similarly privileged and therefore not subject to discovery. Notwithstanding this objection, BellSouth agrees to identify any documents withheld on the basis of privilege.

3. With regard to Citizens' definition of "document" or "documents", BellSouth has made a diligent, good faith attempt to locate documents responsive to the scope of Citizens' individual requests for documents.

4. BellSouth objects to Citizens' definition of "you" and "your." It appears that Citizens, 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 Citizens 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. BellSouth does not believe it was Citizens' intent to require BellSouth to produce again the same documents previously produced in other dockets, but to the extent it does, BellSouth objects on the basis that such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

### **SPECIFIC RESPONSES**

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

12. Please provide all of the documents request [sic] by the Attorney General's Third Request for Production of Documents to BellSouth Telecommunication dated August 7, 1998, as well as complete, unredacted answer [sic] to the Attorney General's First Set of Interrogatories to BellSouth Telecommunications, Incorporated.

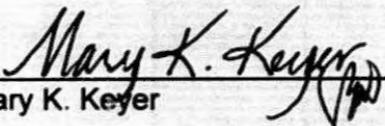
**Response:** BellSouth will, subject to BellSouth's Motion for Temporary Protective Order herein, provide the documents it produced to the Attorney General in response to the Attorney General's Third Request for Production of Documents and its answers to the Attorney General's First Set of Interrogatories.



**CERTIFICATE OF SERVICE**  
**Docket No. 980733-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand-Delivery this 21st day of September, 1998, to the following:

Charles J. Beck  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

  
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Mary K. Keyer