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May 20, 1992

ORIGINAL  
FBI COPY

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

RE: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Opposition to Public Counsel's Second Motion to Compel which we ask that you file 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

ACK  Certificate of Service.

AFA 3

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMD \_\_\_\_\_

CTR \_\_\_\_\_

Enclosures

EAG \_\_\_\_\_

LEG 1 cc: \_\_\_\_\_

All Parties of Record

LIN 6

A. M. Lombardo

OPC \_\_\_\_\_

H. R. Anthony

RCH \_\_\_\_\_

R. D. Lackey

SEC 1

WAS \_\_\_\_\_

OTH \_\_\_\_\_

Sincerely yours,

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

RECEIVED & FILED

*J. J.*  
FPC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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**CERTIFICATE OF SERVICE**  
**Docket No. 920260-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 20th day of May, 1992 to:

Robin Norton  
Division of Communications  
Florida Public Service  
Commission  
101 East Gaines Street  
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*Nancy B. White*  
\_\_\_\_\_  
(21)

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: May 20, 1992  
Bell Telephone and Telegraph )  
Company (Formerly FPSC Docket )  
Number 880069-TL) )  
\_\_\_\_\_)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
OPPOSITION TO PUBLIC COUNSEL'S SECOND MOTION TO COMPEL

COMES NOW BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.037, Florida Administrative Code, and herewith files its Opposition to the Citizens' of Florida ("Public Counsel") Second Motion to Compel with regard to Public Counsel's Second Production of Documents Request dated April 3, 1992. In support of its Motion, Southern Bell shows the following:

1. On April 3, 1992, Public Counsel served Southern Bell with its Second Request for Production of Documents. This request sought numerous BellSouth Corporation documents which were not in the possession, custody or control of Southern Bell.

2. On May 8, 1992, Southern Bell filed its Response and Objections to Public Counsel's Second Request for Production of Documents. Southern Bell incorporates herein the contents of its Response and Objections.

3. Public Counsel objected to Southern Bell's position that the definition of the term "document" is overbroad and objectionable. Despite the Company's objection, Southern Bell either produced or provided access to all of the documents

DOCUMENT NUMBER-DATE

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responsive to Public Counsel's Second Request to Produce despite this definition. Thus, this portion of Public Counsel's motion is moot.

4. Public Counsel also addresses Southern Bell's objection to Public Counsel's attempt to include BellSouth Corporation as a party to this proceeding. While Southern Bell does not object, assuming the request is not otherwise objectionable, to producing BellSouth Corporation documents it has in its possession, it is entirely improper to attempt to subject BellSouth Corporation to discovery in this proceeding in the manner Public Counsel has utilized.

5. Despite the Company's objection, Southern Bell either produced or has provided access to all of the documents responsive to Public Counsel's Second Request to Produce despite the definition of "you" or "yours". From his motion, Public Counsel appears to have been expecting a larger volume of documents than he received. All responsive documents were provided, however, it should be noted that Southern Bell referred Public Counsel to a huge amount of documents previously produced in response to Public Counsel's March 6, 1991 Production of Documents Request, Item No. 10, in Docket No. 890190-TL; Public Counsel's First Request for Production of Documents, Item No. 18 in Docket No. 920260-TL; and the deposition of Ernest Bush taken on April 25, 1991 in connection with Docket No. 890190-TL.

6. A reasonable search was made by BellSouth Corporation for documents responsive to Public Counsel's Second Production of

Documents Request and it was found that all responsive documents had previously been provided in the above-listed dockets. No unprovided material existed in BellSouth Corporation. Thus, this portion of Public Counsel's motion is moot.

7. As discussed above, Southern Bell has either provided all documents responsive to this request, provided access to such documents, or provided such documents in other dockets. Thus, inasmuch as Public Counsel's entire Second Motion to Compel is moot, it should be denied.

Respectfully submitted this 20th day of May, 1992.

ATTORNEYS FOR SOUTHERN BELL  
TELEPHONE AND TELEGRAPH COMPANY



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