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December 4, 1992

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

RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Staff's Twenty-Fourth Request for Production of Documents and Notice of Intent to Request Confidential Classification 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 Certificate of Service.

Sincerely,

[Handwritten Signature]
Sidney J. White, Jr.

Enclosures

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

ACK
474
11/16/92
[Vertical stamp and handwritten notes]

[Handwritten initials]

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CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 4th day of December, 1992 to:

Charles J. Beck
Assistant Public Counsel
Office of the Public Counsel
812 - 111 W. Madison Street
Tallahassee, FL 32399-1400

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line. The signature is fluid and stylized, with a prominent loop at the end.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida) Docket No. 910163-TL
to Initiate Investigation into)
Integrity of Southern Bell) Filed: December 4, 1992
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE AND OBJECTIONS TO STAFF'S
TWENTY-FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS
AND NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

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 Staff's Twenty-Fourth Request for Production of Documents dated October 30, 1992, and (2) pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, its Notice of Intent to Request Confidential Classification.

NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Some of the documents that will be produced for the Staff in response to its Twenty-Fourth Request for Production of Documents contain information which is exempted from public disclosure pursuant to §§ 119.07 and 364.183, Florida Statutes. Specifically, some of the documents contain, among other things, customer-specific information, employee-specific information unrelated to compensation, duties, qualifications, or responsibilities, and other Company proprietary confidential business information. This information is included as

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proprietary confidential business information under § 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative Code. Because these documents contain exempt information, Southern Bell is filing this Notice of Intent to Request Confidential Classification, pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, in order to allow the Staff access to these documents without delay. The original of this Notice has been filed with the Division of Records and Reporting, and a copy has been served on the division requesting this information.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition to "you" and "your" as well as the definition of "BellSouth Telecommunications, Inc." It appears that Staff, 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. Interrogatories may only be directed to parties, and any attempt by Staff 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 Staff's definition of "document" or "documents." Staff's definition of these terms is overly broad and is objectionable pursuant to standards adopted in Caribbean Security Systems v. Security Control Systems, Inc., 46 So. 2d 654 (Fla. App. 3rd Dist. 1986).

3. Southern Bell objects to Staff's definition of "relating to". Staff's definition of this term is overly broad and objectionable in that under Staff's definition a document "relating to" a given subject could mean literally any document mentioning the subject in any way, shape, or form. Clearly, such an overly broad and unduly burdensome qualification for testing the responsiveness of documents in the context of discovery is improper and would cause the production of unnecessary, unrelated and irrelevant documents.

4. Southern Bell objects to Staff's suggestion that this request for production of documents is continuing in nature. A party who responds to a request for discovery with a response that is complete when made is under no duty to supplement such response thereafter to include information later acquired. Rule 1.280(e), Florida Rules of Civil Procedure. Consequently, Staff's request that this discovery be continuing in nature is improper and therefore objectionable.

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

SPECIFIC RESPONSES

6. In response to Request No. 1, Southern Bell will produce the staff network operational reviews that are in its possession, custody, or control at a mutually convenient time and place.

7. In response to Request No. 2, Southern Bell objects to this request on the basis that it is unduly burdensome and

oppressive and would cause unreasonable interference with the Company's business operations to respond to as framed. A special manual exercise would have to be performed to extract the telephone numbers from all of the reports requested. In addition, the telephone numbers would then have to be manually entered into LMOS to extract the information requested in this document request. This effort would be extremely labor intensive considering the amount of telephone numbers included in the operational review information being produced in response to Request No. 1. Also, these documents, if collected, would contain proprietary customer-specific information which would only be provided subject to the Notice of Intent to Request Confidential Classification set forth above. Notwithstanding these objections, if, after initial review of the documents to be produced in response to Request No. 1, Staff could provide Southern Bell with a reasonable sample of numbers for which the requested documentation was sought, then Southern Bell would be willing to provide such reasonable documentation.

8. In response to Request No. 3, Southern Bell objects to this request on the basis that it is unduly burdensome and oppressive and would cause unreasonable interference with the Company's business operations to respond to as framed. A special manual exercise would have to be performed to extract the telephone numbers from all of the staff network operational reviews sought by Staff in Request No. 1. In addition, an extensive search of customer billing records would then be

required to produce the information requested in this document request. Also, these documents, if collected, would contain proprietary customer-specific information which would only be provided subject to the Notice of Intent to Request Confidential Classification set forth above. Notwithstanding these objections, if, after initial review of the documents to be produced in response to Request No. 1, Staff could provide Southern Bell with a reasonable sample of numbers for which the requested documentation was sought, then Southern Bell would be willing to provide such reasonable documentation.

9. In response to Request No. 4, Southern Bell will produce a document providing a previously generated count of the number of possible computer records that could meet the criteria set forth in this request. Although this data resides in Company databases, Southern Bell does not have the requested analyses for all time periods dating back to 1985. If Staff would request a representative time period or a desired sample, Southern Bell could respond accordingly.

10. In response to Request No. 5, Southern Bell objects to this request on the basis that it is unduly burdensome and oppressive, and the production of all documents responsive to the request would unnecessarily disrupt the Company's normal business operations. Staff's request would call for the extraction of no less than 695,000 records from Company databases. Thereafter, additional manual exercises would be required to extract additional documents from its databases and to evaluate these

documents for responsiveness. Such a monumental and labor intensive exercise is unwarranted, oppressive, and objectionable. Also, See: Southern Bell's Response to Public Counsels' Thirty-First Set of Interrogatories, Item No. 2. Although this data resides in Company databases, Southern Bell does not have the requested analyses for all time periods dating back to 1985. If Staff would request a representative time period or a desired sample, Southern Bell could respond accordingly.

11. In response to Request No. 6, see Southern Bell's response to Request No. 5.

12. In response to Request No. 7, see Southern Bell's response to Request No. 4.

13. In response to Request No. 8, Southern Bell objects to this request on the basis that it is unduly burdensome and oppressive, and the production of all documents responsive to the request would unnecessarily disrupt the Company's normal business operations. Staff's request would call for the extraction of no less than 40,000 records from Company databases. Thereafter, additional manual exercises would be required to extract additional documents from its databases and to evaluate these documents for responsiveness. Such a monumental and labor intensive exercise is unwarranted, oppressive, and objectionable. Also, See: Southern Bell's Response to Public Counsels' Thirty-First Set of Interrogatories, Item No. 3. Although this data resides in Company databases, Southern Bell does not have the requested analyses for all time periods dating back to 1985.

If Staff would request a representative time period or a desired sample, Southern Bell could respond accordingly.

14. In response to Request No. 9, see Southern Bell's response to Request No. 8.

15. In response to Request No. 10, Southern Bell objects to this request on the basis that it is overly broad, ambiguous, and as framed would conceivably call for the production of documents Southern Bell may not be legally permitted to disclose. Read literally, this request seeks to have Southern Bell produce each and every document containing any analyses or statistics, without limitation, which documents were also prepared and produced for the Attorney General or the Statewide Prosecutor. Southern Bell cannot determine with any reasonable certainty which documents might be responsive to this overly broad and ambiguous request. In addition, Southern Bell objects to this request on the basis that Staff's overly broad request is seeking to discover documents that, pursuant to § 905.27(1), Florida Statutes, Southern Bell may not be at liberty to disclose. Section 905.27, Florida Statutes, in pertinent part, states that any:

"... person appearing before the grand jury shall not disclose the testimony of a witness examined before the grand jury or other evidence received by it except when required by a court ..."

Evidence in the form of documents was received by the statewide grand jury in conjunction with its investigation of Southern Bell. Unless Staff is more specific and limits its request to

specific documents relevant to this particular proceeding, Southern Bell cannot respond to the request as framed because in doing so, the Company could violate the above-stated statutory non-disclosure requirement. Notwithstanding these objections, Southern Bell will produce statistical and analytical documents not otherwise covered by these non-disclosure prohibitions or other legal restrictions on disclosure, to the extent that these documents exist, were specifically prepared and produced for the Attorney General or Statewide Prosecutor and are related to Southern Bell's repair service operations in the State of Florida.

16. In response to Request No. 11, see Southern Bell's response to Request No. 10.

17. In response to Request No. 12, see Southern Bell's response to Request No. 10.

18. In response to Request No. 13, Southern Bell objects to this request on the basis that it is unduly burdensome and oppressive, and the production of all documents responsive to the request would unnecessarily disrupt the Company's normal business operations. Staff's request would call for the extraction of no less than 50,000 records from Company databases. Thereafter, additional manual exercises would be required to extract additional documents from its databases and to evaluate these documents for responsiveness. Such a monumental and labor intensive exercise is unwarranted, oppressive, and objectionable. Also, See: Southern Bell's Response to Public Counsels'

Thirty-First Set of Interrogatories, Item No. 4. Although this data resides in Company databases, Southern Bell does not have the requested analyses for all time periods dating back to 1985. If Staff would request a representative time period or a desired sample, Southern Bell could respond accordingly.

19. In response to Request No. 14, see Southern Bell's response to Request No. 13.

20. In response to Request No. 15, Southern Bell objects to this request on the basis that the "OOS 24-hours Excluded Report" referenced in this Request was not provided by the Company in response to Public Counsel's Thirty-First Set of Interrogatories, Item No. 5. Consequently, Southern Bell objects to producing any DLETHs which might have related to the "report" which was objected to initially in response to Interrogatory Item No. 5, and therefore not previously provided.

21. In response to Request No. 16, Southern Bell objects to this request for the same reasons contained in the Company's response to Public Counsel's Thirty-First Set of Interrogatories, Item No. 5, filed on November 23, 1992. Southern Bell objected to the preparation of informational reports requested on the basis that it would be unduly burdensome and oppressive. Therefore, no such "separate listing" or "OC&C statement" can reasonably be produced at this time.

22. In response to Request No. 17, see Southern Bell's response to Request No. 5.


23. In response to Request No. 18, see Southern Bell's response to Request No. 5.


24. In response to Request No. 19, see Southern Bell's response to Request No. 8.

25. In response to Request No. 20, see Southern Bell's response to Request No. 8.

Respectfully submitted this 4th day of December 1992.

SOUTHERN BELL TELEPHONE
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