

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
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Tracy Hatch
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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-FIRST 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-First 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-First 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 and other Company proprietary confidential business information. This information is included as proprietary confidential business information under § 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative Code.

DOCUMENT NUMBER-DATE

14180 DEC-4 1992

FPSC-RECORDS/REPORTING

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 responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

7. In response to Request No. 2, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

8. In response to Request No. 3, Southern Bell objects to this request on the basis that it calls for the production of proprietary confidential business information in the form of

customer-specific information. Notwithstanding this objection, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to its Notice of Intent to Request Confidential Classification set forth herein.

9. In response to Request No. 4, Southern Bell has no documents responsive to this request.

10. In response to Request No. 4(a), Southern Bell will produce a document containing the requested "corrected spelling" of the referenced individual's name.

11. In response to Request No. 5, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

12. In response to Request No. 6, Southern Bell has no documents responsive to this request.

13. In response to Request No. 6(a), Southern Bell has no documents responsive to this request.

14. In response to Request No. 7, Southern Bell has no documents responsive to this request.

15. In response to Request No. 8, Southern Bell objects to this request on the basis that it calls for the production of documents that were generated at the direct request of, and under the general supervision of, attorneys for Southern Bell. These documents were developed in anticipation of litigation and were the basis upon which legal opinions were rendered to Southern Bell by its attorneys. Accordingly, Southern Bell objects to the

production of these documents on the basis of the attorney-client and work product privileges.

16. In response to Request No. 9, Southern Bell objects because this request calls for the production of documents that were generated at the direct request of, and under the general supervision of, attorneys for Southern Bell. These documents were developed in anticipation of litigation and were the basis upon which legal opinions were rendered to Southern Bell by its attorneys. Accordingly, Southern Bell objects to the production of these documents on the basis of the attorney-client and work product privileges.

17. In response to Request No. 10, Southern Bell objects to this request on the basis that it is unduly burdensome and oppressive and seeks the production of documents containing proprietary customer-specific information. However, in an attempt to be responsive, Southern Bell has compiled one (1) box of documents responsive to this request and will provide these for Staff's initial review at a mutually convenient time and place subject to the Company's Notice of Intent to Request Confidential Classification set forth above. Also, if Staff wishes to review more documents after this initial review, Southern Bell will make eighteen (18) additional boxes of documents available for review in Miami, Florida, where such documents are being maintained, also subject to the Notice of Intent to Request Confidential Classification set forth herein.


18. In response to Request No. 10(a), Southern Bell objects to this request on the basis that it is unduly burdensome, 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 on all of the 9156 forms requested in the twenty (20) boxes of responsive documents to be produced in response to Request No. 10. In addition, the telephone numbers would then have to be manually entered into LMOS to extract 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 herein.


19. In response to Request No. 11, Southern Bell does not have any additional documents that would not also be responsive to Request No. 10.

20. In response to Request No. 11(a), see Company's response to Request No. 10(a).

Respectfully submitted this 4th day of December 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY


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