

SIDNEY J. WHITE, JR.
General Attorney

Southern Bell Telephone
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Suite 400
150 South Monroe Street
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(404) 529-5094

February 9, 1993

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

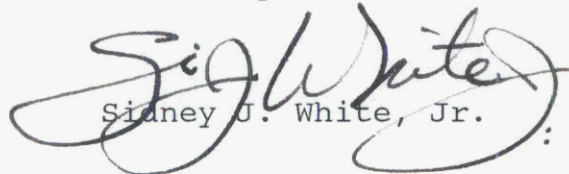
Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Protective Order Regarding Certain Items Contained in Public Counsel's Thirty-Fifth Set of Interrogatories which we ask that you file in the above-captioned docket.

ACK _____
AFA _____
APP _____
CAF _____
CIR _____
CTR _____
EAG _____
LEG 1 w/m
LIN 6
OPC _____
RCH _____
SEC 1
WAS _____
OTH _____

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,


Sidney J. White, Jr.

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

RECEIVED & FILED


FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01575 FEB-93

FPSC-RECORDS/REPORTING

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: February 9, 1993
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION FOR PROTECTIVE ORDER REGARDING CERTAIN ITEMS CONTAINED
IN PUBLIC COUNSEL'S THIRTY-FIFTH SET OF INTERROGATORIES

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company") and files, pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, its Motion for Protective Order.

1. On January 4, 1993, Public Counsel served upon Southern Bell its Thirty-Fifth Set of Interrogatories in the above-referenced docket. Within that set of interrogatories are two requests which seek listings of all employees interviewed either by Company attorneys or by Company security personnel in conjunction with privileged repair and rebate-related investigations. This information was created and used in anticipation of litigation and formed the basis on which legal opinions were rendered to the Company by its attorneys. Consequently, some of the information sought by Public Counsel in its Thirty-Fifth Set of Interrogatories is not subject to discovery. The communications between attorneys for Southern Bell and Company representatives relative to these investigations are subject to the Attorney-Client Privilege. In addition, the investigatory and analytical processes and the substantive

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information collected and derived as a result of those processes is subject to the Work Product Doctrine. Southern Bell hereby incorporates all previous motions and pleadings to the extent such pleadings addressed the basis for establishing the privileged nature of the internal audits, investigations, and analyses at issue herein.

2. Southern Bell has this same day filed its formal responses to Public Counsel's Thirty-Fifth Set of Interrogatories, and the Company has stated with particularity the reasons for its objections to Item Nos. 1 and 2 in those formal responses. Southern Bell has registered objections based on the Attorney-Client Privilege and Work Product Doctrine. Southern Bell hereby incorporates by reference and adopts all arguments contained in its interrogatory responses for purposes of this Motion.

3. Moreover, the facts surrounding these internal audits, investigations, and analyses, as evidenced by the substantial amount of explanatory information already provided in Southern Bell's responses to Staff's Sixth Set of Interrogatories, provide a substantial basis on which to support the Company's arguments regarding the privileged nature of this information and to justify the granting of the Motion for Protective Order sought herein.

Based on the foregoing, Southern Bell moves the Prehearing Officer to issue a Protective Order directing that discovery not be had with respect to the specifically identified interrogatory

items, or portions thereof, to which Southern Bell has registered an objection based on either the Attorney-Client Privilege or the Work Product Doctrine, or both.

Respectfully submitted this 9th day of February, 1993.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

Harris R. Anthony

HARRIS R. ANTHONY ⁽³⁰⁵⁾
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(305) 530-5555

R. Douglas Lackey

R. DOUGLAS LACKEY
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4300 - 675 West Peachtree Street
Atlanta, Georgia 30375
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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 9th day of February, 1993 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 flourish at the end.