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ORIGINAL  
FILE COPY

November 19, 1993

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

9202160-TL

RE: Docket Nos. 910163-TL and 910727-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 Thirty-Eighth Request for Production of Documents. Please file this document in the above-captioned docket.

ACK \_\_\_\_\_  
AFA 2 A copy of this letter is enclosed. Please mark it to  
APP \_\_\_\_\_ indicate that the originals were filed and return the copy to me.  
CAF \_\_\_\_\_ Copies have been served on the parties shown on the attached  
Certificate of Service.

CMU \_\_\_\_\_

CTR \_\_\_\_\_

EAG \_\_\_\_\_

LEG 1 w/m

LIN 6

OPC \_\_\_\_\_ Enclosures

RCH 1 cc: All Parties of Record

SEC 1 A. M. Lombardo

WAS \_\_\_\_\_ H. R. Anthony

OTH \_\_\_\_\_ R. D. Lackey

Sincerely,

*Sidney J. White, Jr.*  
Sidney J. White, Jr. (PW)

RECEIVED & FILED

11/19/93 SS  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12432 NOV 19 93

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

In re: Investigation into )  
SOUTHERN BELL TELEPHONE AND ) Docket No. 910727-TL  
TELEGRAPH COMPANY'S Compliance )  
with Rule 25-4.110(2), F.A.C., )  
Rebates )  
\_\_\_\_\_ ) Filed: November 19, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO STAFF'S THIRTY-EIGHTH  
REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and pursuant to Rule 25-22.034 Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, files its Response and Objections to Staff's Thirty-Eighth Request for Production of Documents dated October 15, 1993.

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Staff's definition of "you" and "your" as well as the definition of "BellSouth." 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. Requests for Production may be directed only 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. With regard to Staff's definition of "document" or "documents", Southern Bell has made a diligent, good faith attempt to locate documents responsive to the scope of Staff's individual requests for documents.

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 literally mean 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. With respect 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. With respect 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. With respect to Request No. 3, Southern Bell objects to this request on the basis that it is overly burdensome and oppressive. Southern Bell has identified at least 111 document records coordinators in Florida who might possess responsive documents. These individuals are spread throughout the state in diverse departments. The time and effort required to compile, copy and transmit documents that might be found to be responsive is excessive, and would disrupt the Company's normal business operations. Notwithstanding this objection, Southern Bell will produce three boxes of documents for Staff's review on Company premises in Tallahassee, Florida. If, after initial review, the Staff desires copies of any of these documents, Southern Bell will provide such copies.

9. With respect to Request No. 4, Southern Bell has no documents responsive to this request.

10. With respect to Request No. 5, Southern Bell responds that Executive Instruction No. 7 is the document containing the information sought in this request.

11. With respect to Request No. 6, Southern Bell will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

12. With respect to Request No. 7, this item is not applicable. Southern Bell has produced all responsive documents.

Respectfully submitted this 19th day of November, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

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**CERTIFICATE OF SERVICE**

**Docket No. 920260-TL**

**Docket No. 900960-TL**

**Docket No. 910163-TL**

**Docket No. 910727-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 19th day of November, 1993  
to:

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