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April 29, 1992

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

ORIGINAL  
SEE COPY

RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response and Objections to Public Counsel's Twenty-Second Request for Production of Documents, as well as a Motion for a Temporary Protective Order, which we ask that you file in the 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 to the parties shown on the attached Certificate of Service.

Sincerely yours,

*Nancy B. White*  
Nancy B. White  
(22)

Enclosures

cc: All Parties of Record

A. M. Lombardo

H. R. Anthony

R. D. Lackey

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
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CERTIFICATE OF SERVICE  
DOCKET NO. 910163-TL

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 18th day of February, 1992.

Charles J. Beck  
Deputy Public Counsel  
Office of the Public Counsel  
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Robert Vandiver  
Division of Legal Services  
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Nancy B. White  
(2)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the Integrity of Southern Bell's Repair Service Activities and Reports )  
 )  
 ) Docket No. 910163-TL  
 ) Filed: April 29, 1992  
 )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE AND OBJECTIONS TO PUBLIC COUNSEL'S  
TWENTY-SECOND SET OF REQUEST FOR PRODUCTION OF  
DOCUMENTS AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

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 Rules 1.280(c) and 1.350, Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") Twenty-Second Request for Production of Documents dated March 25, 1992, and (2) pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order. To the extent that any individual request might otherwise be the subject of a motion for a protective order other than pursuant to Rule 25-22.006(5)(c), this response may be considered as serving that purpose. See Slatnick v. Leadership Housing System of Florida, Inc., 368 So.2d 78 (Fla. 4th D.C.A. 1979).

GENERAL RESPONSE AND OBJECTIONS

1. Southern Bell objects to Public Counsel's definition of "you" and "your" as well as the definition of BellSouth Telecommunications, Inc. It appears that Public Counsel, through its definition of these words, is attempting to obtain discovery of information in the possession, custody, or control of entities

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that are not parties to this docket. Interrogatories may only be directed to parties, and any attempt by Public Counsel 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 does not believe it was Public Counsel's intent to require Southern Bell to produce again the same documents previously produced in other dockets, but to the extent it does, Southern Bell objects on the basis of such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

3. Southern Bell objects to the specific time and place designated by Public Counsel for the production of documents for the reason that the designation is not reasonable, but has no objection to producing the documents that are responsive and to which no other objection is made, at a mutually agreed upon time and place.

4. Southern Bell objects to Public Counsel's definition of "document" or "documents". Public Counsel'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).

5. Some of the documents that will be delivered to and reviewed by Public Counsel contain proprietary, confidential business information that should not be publicly disclosed. Thus, pursuant to the Commission's Rule on confidentiality, Rule

25-22.006(5)(c), Florida Administrative Code, Southern Bell moves the Prehearing Officer to issue a Temporary Protective Order exempting these documents from § 119.07(1), Florida Statutes. The proprietary documents in question include, but are not limited to, employee information not related to the employee's compensation, duties, qualifications or responsibilities, which reflect the names of current and former employees who have been or are in the process of being disciplined for matters addressed in Public Counsel's Twenty-Second Production of Documents. Once Public Counsel notifies Southern Bell that any of the proprietary documents are to be used in a proceeding before the Commission, Southern Bell will file a detailed Motion for Protective Order specifically addressing each of the documents identified in accordance with Rule 25-22.006, Florida Administrative Code.

#### SPECIFIC RESPONSES

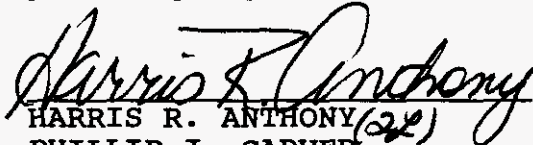
6. Subject to the general objections, each of which is incorporated by reference into the specific responses made herein, Southern Bell responds to the individual numbered request contained in Public Counsel's Twenty-Second Request for Production of Documents as follows:

A. In response to Request No. 1, Southern Bell will produce, at a mutually convenient time and place, certain of the responsive materials that it has in its possession, custody, or control. Further, Southern Bell states that certain documents relating to the requested information were produced in Florida Public Service Commission Docket No. 910163-TL, Public Counsel's

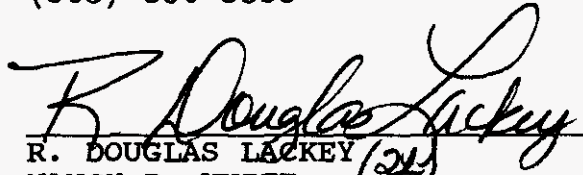
First Request for Interrogatories, Items 7 and 9, and Florida Public Service Commission Docket No. 900960-TL, Public Counsel's December 7, 1991 Request for Documents. Southern Bell further objects to this request to the extent it seeks documents covered by the attorney/client privilege or attorney work product privilege, or both. Such documents consist of notes compiled by the Personnel Department and derived from the privileged internal investigation in order to determine whether any individual should be disciplined and to what extent. In addition, Southern Bell states that it has not provided materials which, while meeting the definition of "discipline" as Public Counsel defines it, are not responsive to the criteria set forth in Subsections (1) through (11).

Respectfully submitted this 29th day of April, 1992.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY



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