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ORIGINAL
FILE COPY

July 10, 1996

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response And Objections to Public Counsel's First Post-Settlement Request for Production of Documents (1995 Earnings) and Motion for a Temporary Protective Order. Please file these documents 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 on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
(BW)

Nancy B. White

Enclosures

- CK
- TS
- STO
- CAF
- CMU
- CTR
- EAG
- LEG
- LIN
- OPC
- RCH
- SEC
- MS
- TH

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg II

RECEIVED & FILED

EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07269 JUL 10 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: July 10, 1996
Company)
_____)

BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE
AND OBJECTIONS TO PUBLIC COUNSEL'S FIRST POST-SETTLEMENT
REQUEST FOR PRODUCTION OF DOCUMENTS (1995 EARNINGS)
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER

COMES NOW, BellSouth Telecommunications, Inc.,
("BellSouth"), 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 the Office of Public
Counsel's ("Public Counsel") First Post-Settlement Request for
Production of Documents (1995 Earnings) dated June 5, 1996 and
(2) pursuant to Rule 25-22.006(5)(c), Florida Administrative
Code, its Motion for Temporary Protective Order.

MOTION FOR TEMPORARY PROTECTIVE ORDER

Some of the documents that will be delivered to or made
available for review by Public Counsel contain proprietary,
confidential business information that should not be publicly
disclosed. Thus, pursuant to Rule 25-22.006(5)(c), Florida
Administrative Code, BellSouth moves the Prehearing Officer to
issue a Temporary Protective Order exempting these documents from
§ 119.07(1), Florida Statutes. These documents contain, among
other things, employee personnel information unrelated to
compensation, duties, qualifications, or responsibilities, and
other proprietary confidential business information. Such
information is specifically included as proprietary confidential

DOCUMENT NUMBER-DATE

07269 JUL 10 96

FPSC RECORDS/REPORTING

business information pursuant to § 364.183(3)(f), Florida Statutes. If Public Counsel subsequently notifies BellSouth that any of the proprietary documents are to be used in a proceeding before the Commission, BellSouth will, in accordance with Rule 25-22.006, Florida Administrative Code, file a detailed motion for protective order specifically addressing each of the documents identified.

GENERAL RESPONSE AND OBJECTIONS

1. BellSouth objects to Public Counsel's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by Public Counsel would be similarly privileged and therefore not subject to discovery. Notwithstanding this objection, BellSouth agrees identify any documents withheld on the basis of privilege.

2. With regard to Public Counsel's definition of "document" or "documents", BellSouth has made a diligent, good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

3. BellSouth objects to Public Counsel's definition of "you" and "your." 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 that are not parties to this docket. Requests for Production 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). Some of the information responsive to Public Counsel's First Post Settlement Request for Production of Documents are not in the custody, possession, or control of BellSouth. However, BellSouth Corporation, the parent of BellSouth as a matter of comity, is willing voluntarily to make available appropriate information or make an appropriate reply to those questions. Most of this information is confidential and proprietary and, therefore, to the extent made available, it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BellSouth Corporation.

4. BellSouth does not believe it was Public Counsel's intent to require BellSouth to produce again the same documents previously produced in other dockets, but to the extent it does, BellSouth objects on the basis that such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

5. BellSouth objects to the specific time and place designated by Public Counsel for the production of documents for the reasons 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.

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

SPECIFIC RESPONSES

7. With respect to Request No. 1, BellSouth 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. 2, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

9. With respect to Request No. 3, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it

may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

10. With respect to Request No. 4, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

11. With respect to Request No. 5, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

12. With respect to Request No. 6, BellSouth will produce responsive documents that are in its possession, custody, or

control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

13. With respect to Request No. 7, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

14. With respect to Request No. 8, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

15. With respect to Request No. 9, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

16. With respect to Request No. 10, BellSouth will produce responsive documents that are in its possession, custody, or

control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

17. With respect to Request No. 11, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth refers Public Counsel to BellSouth's response to Item 23 of Public Counsel's First Post-Settlement Request for Production of Documents.

18. With respect to Request No. 12, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

19. With respect to Request No. 13, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place.

20. With respect to Request No. 14, BellSouth has no documents responsive to this request in its possession, custody, or control.

21. With respect to Request No. 15, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth

will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

22. With respect to Request No. 16, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

23. With respect to Request No. 17, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

24. With respect to Request No. 18, BellSouth refers Public Counsel to BellSouth's responses to Items 15 and 16 of Public Counsel's First Post-Settlement Request for Production of Documents.

25. With respect to Request No. 19, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

26. With respect to Request No. 20, BellSouth objects to this request on the basis that it is overly burdensome and

oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

27. With respect to Request No. 21, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

28. With respect to Request No. 22, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth refers Public Counsel to BellSouth's response to Item 23 of Public Counsel's First Post-Settlement Request for Production of Documents.

29. With respect to Request No. 23, BellSouth objects to this request on the basis that it is overly burdensome and oppressive. In an effort to be responsive, however, BellSouth will provide a list for review by Public Counsel from which Public Counsel may request a representative sample. BellSouth will then provide those requested to Public Counsel subject to the Motion for Temporary Protective Order set forth above.

30. With respect to Request No. 24, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth

Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

31. With respect to Request No. 25, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

32. With respect to Request No. 26, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

33. With respect to Request No. 27, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

34. With respect to Request No. 28, BellSouth refers Public Counsel to BellSouth's responses to Item 26 of Public Counsel's First Post-Settlement Request for Production of Documents.

35. With respect to Request No. 29, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

36. With respect to Request No. 30, BellSouth has no documents responsive to this request in its possession, custody, or control.

37. With respect to Request No. 31, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

38. With respect to Request No. 32, BellSouth has no documents in its possession, custody, or control responsive to this request. The information responsive to this request is not in the possession, custody, or control of BellSouth Telecommunications, Inc. ("BST"). However, BellSouth Corporation ("BSC"), the parent of BST, as a matter of comity, is willing voluntarily to make available appropriate information or make a reply to this question. Most of this information is confidential and proprietary and, therefore, to the extent made available; it may be reviewed at a mutually agreeable time and place after the execution of an appropriate protective agreement with BSC.

39. With respect to Request No. 33, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

40. With respect to Request No. 34, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

41. With respect to Request No. 35, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

42. With respect to Request No. 36, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

43. With respect to Request No. 37, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

44. With respect to Request No. 38, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

45. With respect to Request No. 39, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

46. With respect to Request No. 40, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

Respectfully submitted this 10th day of July, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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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 10th day of July, 1996 to:

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