

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 911030-WS  
increase by GENERAL DEVELOPMENT )  
UTILITIES, INC. (Port Malabar )  
Division) in Brevard County )

In re: Application for a rate ) DOCKET NO. 911067-WS  
increase by GENERAL DEVELOPMENT )  
UTILITIES, INC. in Charlotte, ) ORDER NO. PSC-92-0319-PCO-WS  
DeSoto and Sarasota Counties )  
ISSUED: 5/11/92

ORDER GRANTING GDU'S MOTION FOR PROTECTIVE  
ORDER RELATING TO DEPOSITION OF J. LARRY RUTHERFORD

On May 4, 1992, the Cities of North Port and Palm Bay (Cities), intervenors in these proceedings, filed Amended Notices of Deposition of J. Larry Rutherford and of the Custodian of Records of GDU and/or General Development Corporation. On May 5, 1992, General Development Utilities, Inc. (GDU) filed Motions for Protective Order and to Quash Subpoena in response to the Notices. As grounds for protection, GDU argues that Mr. Rutherford's deposition was previously taken, that Mr. Rutherford, as the President of GDU's parent company, had no direct responsibility for preparing the rate case filings, and that he has only limited knowledge of relevance to the rate case. Further, GDU requests expenses, including attorney's fees, related to this motion.

After consideration of the argument of the parties at the Prehearing Conference on GDU's Motion for Protective Order, we find it appropriate to require the Cities to provide specific identification of the matters on which Mr. Rutherford will be expected to testify, as well as specific reasons explicating the need for the documents being requested. Further, the Cities will be expected to show good cause why the information now being sought was not sought previously. Accordingly, the Motion for Protective Order will be granted, until such time as the Cities comply with the requirements of specificity outlined above. The Cities shall have until the close of business on May 12, 1992, to provide further explication as described above.

In consideration of the foregoing, it is

ORDERED by Susan F. Clark, as Prehearing Officer, that the Motion for Protective Order of General Development Utilities, Inc., is granted to the extent set forth in the body of this Order. It is further

DOCUMENT NUMBER-DATE

04632 MAY 11 1992

FPS-RECORDS/REPORTING

ORDER NO. PSC-92-0319-PCO-WS  
DOCKETS NOS. 911030 & 911067  
PAGE 2

ORDERED that the City of North Port and the City of Palm Bay shall have until the close of business on May 12, 1992, to provide further explication, as outlined in the body of this Order.

By ORDER of the Florida Public Service Commission, this 11th day of MAY, 1992.

  
\_\_\_\_\_  
SUSAN F. CLARK, Commissioner and  
Prehearing Officer

( S E A L )

CB

ORDER NO. PSC-92-0319-PCO-WS  
DOCKETS NOS. 911030 & 911067  
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.