

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 911188-WS  
increase in Lee County by ) ORDER NO. PSC-92-0882-PCO-WS  
LEHIGH UTILITIES, INC. ) ISSUED: 08/27/92  
\_\_\_\_\_ )

ORDER GRANTING MOTION TO PERMIT ADDITIONAL INTERROGATORIES,  
IN PART, AND FINDING THE OFFICE OF PUBLIC COUNSEL'S  
MOTION TO STRIKE TO BE MOOT

On July 31, 1992, the Office of Public Counsel (OPC) filed a Motion to Permit Additional Interrogatories, seeking to expand the number of interrogatories allowed in this docket to 500. OPC cited as support for the additional 400 interrogatories the size of the application and the purpose of discovery. The utility responded on August 7, 1992, to OPC's motion and argued as follows: 1) that reconsideration of the Order Establishing Procedure would have been the correct method for seeking additional interrogatories and that the time for reconsideration of the Order Establishing Procedure has passed; 2) that in the Southern States multi-system Docket No. 920199-WS, OPC took the position that it was entitled to propound 30 interrogatories per system, thus the request to propound 500 interrogatories equates to 250 interrogatories per system; and that OPC raised no new grounds for additional interrogatories. On August 11, 1992, OPC filed a Motion to Strike Portions of Lehigh's Response, and an Amended Motion was filed on August 12, 1992. The basis of OPC's objection is the utility's use of OPC's arguments relating to discovery in another docket, Docket No. 920199-WS, in their response.

For good cause shown, additional interrogatories may be allowed. Florida Rules of Civil Procedure Rule 1.340 (a). Based on the utility's Motion for Protective Order striking OPC's second set of interrogatories, OPC has filed 114 interrogatories including all subparts. The Motion for Protective Order does not identify any of the interrogatories filed in the second set to be irrelevant to the proceeding. Thus, OPC has demonstrated the need for some additional interrogatories. However, OPC has not demonstrated good cause for 500 interrogatories. Accordingly, I find that good cause has been shown to increase the number of interrogatories, including all subparts, to 150.

As to OPC's Motion to Strike portions of the utility's response, I find that it is not necessary to strike the argument of a party when the substance of that argument may be irrelevant to a determination in this docket. That portion of the motion which was objected to was not relied on in determining the appropriate number

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of interrogatories. Therefore, I find that the Motion to Strike is moot.


It is, therefore,

ORDERED by Commissioner Betty Easley as Prehearing Officer, that the Motion to Permit Additional Interrogatories is granted, in part. It is further

ORDERED that the number of interrogatories, including all subparts shall be limited to 150. It is further

ORDERED that the motion to strike is moot.

By ORDER of Commissioner Betty Easley, this 27th day of August, 1992.

  
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BETTY EASLEY, Commissioner  
and Prehearing Officer

( S E A L )

BE/CB/LK

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)

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reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, is 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.