

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into ) DOCKET NO. 930945-WS  
Florida Public Service ) ORDER NO. PSC-94-1496-PCO-WS  
Commission Jurisdiction over ) ISSUED: December 6, 1994  
SOUTHERN STATES UTILITIES, INC. )  
in Florida )  
\_\_\_\_\_ )

ORDER DENYING SOUTHERN STATES UTILITIES, INC.'S MOTION TO QUASH  
HERNANDO COUNTY'S SUBPOENA FOR DEPOSITION

On November 4 1994, Southern States Utilities, Inc. (SSU or the Utility) filed with this Commission a Motion to Quash Hernando County's Subpoena for Deposition. SSU's Motion is denied.

On November 9, 1994, this Commission issued Order No. PSC-94-1363-PCO-WS, in this docket, granting SSU's Motion to Strike Testimony of Hernando County Witness Buddy L. Hansen and Conferring Party Status on Hernando County. On November 21, 1994, the Commission issued Amendatory Order No. PSC-1363A-PCO-WS, which provided for the same disposition of the Motion as in Order No. PSC-94-1363-PCO-WS, while substituting certain final draft language for preliminary draft language inadvertently included. On October 31, 1994, Sarasota County, a party in this proceeding, filed a Notice of Taking Depositions, seeking the depositions of three SSU witnesses, Forrest L. Ludsen, Scott W. Vierima, and Dale G. Lock. On November 1, 1994, Hernando County served a Subpoena for Deposition, directing the appearance of Mr. Ludsen. On November 23, 1994, this Commission issued Order No. PSC-94-1445-PCO-WS, in this docket, denying SSU's earlier Motion for Protective Order in recognition of Hernando County's status as a party in this proceeding, conferred by Order No. PSC-94-1363A-PCO-WS.

SSU asserts, in support of its Motion, that Hernando County, because it does not hold the status of party in this proceeding, may not participate in these depositions. SSU also expresses concerns that the relationship of Hernando County and its putative counsel may cast uncertainty upon this Commission's eventual order and findings in this proceeding.

SSU's Motion to Quash Hernando County's Subpoena for Deposition is denied. As already noted, the Commission, subsequent to the filing of the instant Motion, conferred party status upon Hernando County by Order No. PSC-94-1363A-PCO-WS. SSU's instant

DOCUMENT NUMBER-DATE

12188 DEC-6 84

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-1496-PCO-WS  
DOCKET NO. 930945-WS  
PAGE 2

Motion is, therefore, moot. Hernando County, as a party in this proceeding, may seek the deposition of the SSU witness, Mr. Ludsen, pursuant to Rule 25-22.034, Florida Administrative Code.

It is to be further noted that this Order does not address in any manner SSU's allegations concerning the relationship of Hernando County with its putative counsel in this proceeding.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that Southern States Utilities, Inc.'s Motion to Quash Hernando County's Subpoena for Deposition is denied.

By ORDER of the Florida Public Service Commission, this 6th day of December, 1994.



JULIA L. JOHNSON, PREHEARING OFFICER  
Florida Public Service Commission

( S E A L )

CJP

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.