

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate ) DOCKET NO. 950495-WS  
increase and increase in service ) ORDER NO. PSC-96-0268-PCO-WS  
availability charges by Southern ) ISSUED: February 26, 1996  
States Utilities, Inc. for )  
Orange-Osceola Utilities, Inc. )  
in Osceola County, and in )  
Bradford, Brevard, Charlotte, )  
Citrus, Clay, Collier, Duval, )  
Highlands, Lake, Lee, Marion, )  
Martin, Nassau, Orange, Osceola, )  
Pasco, Putnam, Seminole, St. )  
Johns, St. Lucie, Volusia, and )  
Washington Counties. )  
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ORDER DENYING SOUTHERN STATES UTILITIES, INC.'S  
OBJECTION TO MARCO ISLAND CIVIC ASSOCIATION'S  
DOCUMENT REQUESTS NOS. 18 AND 19  
AND  
MOTION FOR PROTECTIVE ORDER

On January 12, 1996, Southern States Utilities, Inc., (SSU or utility) filed its Objection to Marco Island Civic Association's Document Requests Nos. 18 and 19 and Motion for Protective Order. Marco Island Civic Association (MICA) did not file a response to SSU's objection.

DOCUMENT REQUEST NO. 18

By Document Request No. 18, MICA requests the following:

18. Please provide a copy of any and all appraisals of the Deltona Corporation Utility System.

DOCUMENT REQUEST NO. 19

By Document Request No. 19, MICA requests the following:

19. Please provide a copy of all internal memorandums, consulting reports, purchase contract, payment records and closing statements regarding the purchase of the Deltona Corporation Utility System.

SSU objects to both these document requests and argues that it would be unduly burdensome and expensive for SSU to respond to this inquiry. SSU asserts that such requests pertain to a potential

DOCUMENT NUMBER-DATE

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acquisition adjustment to the rate base of the Deltona systems acquired by SSU, which issue has already been litigated before this Commission in Dockets Nos. 920199-WS and 920655-WS, and that many of the documents requested by MICA are included in the record of Docket No. 881501-WS, and are readily available to MICA.

SSU further claims that, pursuant to Krypton Broadcasting of Jacksonville, Inc. v MGM-Pathe Communications Co., 629 So.2d 852, 855 (Fla. 1st DCA 1993), the Commission must "weigh the relevance of the information sought against the burdensomeness of the request." When this is done, SSU asserts that the Commission should not require SSU to endure the time and expense of researching records from 1989, to produce information regarding the estimated value of the Deltona systems when the actual purchase price of the systems is available to the public from the Commission's records. SSU maintains that it should not be required to bear the burdens of producing documents describing its purchase of the Deltona systems when that issue has been thoroughly litigated before this Commission, and when many of the requested documents are available from the Commission's records. SSU also asserts that a party should not be forced to endure repeated litigation and discovery pertaining to the same subject matter.

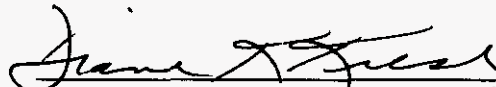
Upon reviewing the discovery requests and the utility's objection, it appears that the information sought by MICA is reasonably calculated to lead to the discovery of admissible evidence on the issues involving the rate base of this utility. See Rule 1.280(b)(1), Florida Rules of Civil Procedure. Further, there has not been an adequate showing that the production of these documents would be unduly burdensome. Accordingly, SSU's motion for a protective order is denied.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Southern States Utilities, Inc.'s Objection to Marco Island Civic Association's Document Requests Nos. 18 and 19 and Motion for Protective Order is denied as set forth in the body of this Order. It is further

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 26th day of February, 1996.

  
DIANE K. KIESLING, Commissioner and  
Prehearing Officer

( S E A L )

RRJ

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.