

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

In re: Application by Southern )  
States Utilities, Inc. for rate )  
increase and increase in service )  
availability charges for Orange- )  
Osceola Utilities, Inc. in )  
Osceola County, and in Bradford, )  
Brevard, Charlotte, Citrus, Clay, )  
Collier, Duval, Hernando, High- )  
lands, Hillsborough, Lake, Lee, )  
Marion, Martin, Nassau, Orange, )  
Osceola, Pasco, Polk, Putnam, )  
Seminole, St. Johns, St. Lucie )  
Volusia and Washington Counties. )  
)  
)  
)

Docket No. 950495-WS

Filed: December 15, 1995

**SOUTHERN STATES UTILITIES, INC.'S  
REQUEST FOR ORAL ARGUMENT**

Southern States Utilities, Inc. ("SSU"), by and through its undersigned counsel, and pursuant to Rule 25-22.058(1), Florida Administrative Code, hereby requests oral argument on SSU's Motion for Reconsideration of Order No. PSC-95-1504-PCO-WS, and as grounds therefor, states as follows:

1. On this date, SSU has filed a Motion for Reconsideration of Order No. PSC-95-1504-PCO-WS (the "Order"). The Order requires SSU to provide copies of all federal income tax returns and all schedules, workpapers and consolidating schedules for Minnesota Power and Light Company for the years 1992 through 1994 to the Office of Public Counsel ("OPC"), a requirement inconsistent with past Commission practice and orders.

2. SSU respectfully submits that the Order contains mistakes of fact and law which support reconsideration and the granting of SSU's Motion for a Protective Order in connection with OPC's discovery requests for the above documents.

DOCUMENT NUMBER-DATE

12674 DEC 15 1995

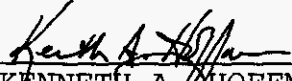
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3. SSU's Motion for Reconsideration addresses the distinction between a motion for a temporary protective order filed pursuant to the Commission's confidentiality statutes and rules, and the general rules and case law governing discovery. In this case, it is important for the Commission to understand the facts which demonstrate that OPC repeatedly consented to SSU's offer of inspection (but not copying) of the tax returns and the legal results of such consent. Specifically, SSU's Motion for Reconsideration demonstrates that OPC has waived its right to pursue copies of the pertinent tax returns and that SSU's filing of a Motion for Temporary Protective Order in connection with the agreement between SSU and OPC that OPC would inspect but not copy the documents was proper but is not controlling on the issue of whether copies of the documents should be provided to OPC under applicable law concerning discovery and waiver.

4. In light of the critical nature of the facts, the important questions of law and the adverse precedential impact of the Order, SSU maintains that oral argument would aid the Commission in comprehending and evaluating the issues before it and should be granted.

WHEREFORE, for the foregoing reasons, SSU respectfully requests that its Request for Oral Argument on SSU's Motion for Reconsideration of Order No. PSC-95-1504-PCO-WS be granted.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States Utilities, Inc.'s Request for Oral Argument was furnished by U.S. Mail this 15th day of December, 1995 to the following:

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