

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate ) DOCKET NO. 950495-WS  
increase and increase in service ) ORDER NO. PSC-96-0545-PCO-WS  
availability charges by Southern ) ISSUED: April 22, 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. )

ORDER GRANTING IN PART AND DENYING IN PART  
SOUTHERN STATES UTILITIES, INC.'S, OBJECTIONS  
TO PUBLIC COUNSEL'S DOCUMENT REQUEST NO. 320

On March 20, 1996, the Office of Public Counsel (OPC) served its Twenty-Fifth Set of Requests for Production of Documents, upon Southern States Utilities, Inc., (SSU) which included the following request:

320. Please provide all documents in response to Hidden (sic) Hills Civic Association's first request for production of documents to Southern States Utilities, Inc. dated March 15, 1996.

Hidden Hills Civic Association's (Hidden Hills) Document Requests Nos. 1 through 6 address water quality issues for the utility's Duval County facilities. Document Requests Nos. 7 through 10 address communications between SSU and its political action committee and lobbyists, and correspondence with the Rose, Sundstrom & Bently law firm.

On April 1, 1996, SSU filed its Objections to OPC's Document Request No. 320. SSU's objection incorporates the same arguments made in its Objection to Hidden Hills First Request for Production of Documents. SSU objected to Hidden Hills' discovery documents because only a party to a proceeding may propound discovery. SSU also objected specifically to Hidden Hills' Document Requests Nos. 7 through 10 on the grounds that the requests were vague, ambitious, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT NUMBER-DATE

04578 APR 22 88

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-0545-PCO-WS  
DOCKET NO. 950495-WS  
PAGE 2

OPC responded to SSU's objection on April 3, 1996. OPC does not oppose the specific objections made by SSU to Hidden Hills' Requests Nos. 7 through 10. However, OPC contends that SSU should answer the remaining Hidden Hills' document requests referenced by OPC's Document Request No. 320 because those requests are relevant to water quality issues.

By previous order, the discovery requests served upon SSU by Hidden Hills were stricken because Hidden Hills was not a party in this docket. Although Hidden Hills' discovery has been stricken, OPC's Document Request No. 320 incorporates the requests for production as its own. OPC has not compelled SSU's response to Hidden Hills' Document Requests Nos. 7 through 10. Therefore, I find it appropriate to grant SSU's objection to Document Requests Nos. 7 through 10, but deny SSU's objection to responding to the remaining document requests contained in OPC's Document Request No. 320. The remaining requests are relevant as they address water quality issues.


In consideration of the pending hearing and discovery termination date, I find it appropriate to require SSU to provide its responses within five days of the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Southern States Utilities, Inc.'s, Objections to the Office of Public Counsel's Document Request No. 320 is hereby granted in part and denied in part as set forth in the body of this Order. It is further

ORDERED that Southern States Utilities, Inc., shall provide its responses to the Office of Public Counsel's Document Request within five days of the issuance of this order.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 22nd day of April, 1996.

  
DIANE K. KIESLING, Commissioner and  
Prehearing Officer

( S E A L )  
MEO

ORDER NO. PSC-96-0545-PCO-WS  
DOCKET NO. 950495-WS  
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.