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May 3, 1996

HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-1850

**ORIGINAL
FILE COPY**

RE: Docket No. 951056-WS
Application by PALM COAST UTILITY CORPORATION
for a rate increase in Flagler County, Florida

Dear Ms. Bayo:

Enclosed for filing are an original and fifteen copies of a Motion for Extension of Time in Which to File Objections and Notice of Intent to File Motion for Protective Order, in reference to the above docket.

Please acknowledge receipt of the foregoing by stamping the enclosed extra copy of this letter and returning same to my attention. Thank you for your assistance.

Very truly yours,

B. Kenneth Gatlin

ACK _____
AFA 2 _____
APP _____
CAF _____
CMU _____ BKG/met
CTR _____ Enclosures
EAG _____
LEG Edmonds _____
LIN 3 _____
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DOCUMENT NUMBER-DATE
05037 MAY-3 1996
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate increase in)
Flagler County by PALM COAST)
UTILITY CORPORATION)

Docket No. 951056-WS

Filed: May 3, 1996

**ORIGINAL
FILE COPY**

**MOTION FOR EXTENSION OF TIME IN WHICH
TO FILE OBJECTIONS AND NOTICE OF INTENT
TO FILE MOTION FOR PROTECTIVE ORDER**

Palm Coast Utility Corporation (PCUC), pursuant to Rule 25-22.037(2), F.A.C., hereby files this motion for extension of time in which to file objections to Citizens' Second Set of Interrogatories and Citizens' Second Set of Requests for Production of Documents to Palm Coast Utility Corporation, and Notice of Intent to File Motion for Protective Order, and as grounds states:

Motion for Extension of Time

1. On or about April 1, 1996, PCUC was served Citizens' First Set of Requests for Production of Documents to Palm Coast Utility Corporation, containing requests numbered 1-34, and Citizens' First Set of Interrogatories to Palm Coast Utility Corporation, containing interrogatories numbered 1-31, with additional lettered and unlettered subparts.

2. On April 12, 1996, PCUC was served Citizens' Second Set of Requests for Production of Documents to Palm Coast Utility Corporation, containing requests numbered 35-56, and Citizens' Second Set of Interrogatories to Palm Coast Utility Corporation, containing numbered interrogatories 32-65, containing lettered and unlettered subparts. PCUC's responses to the second discovery set are due Monday, May 13, 1996.

3. On April 18, 1996, PSC Audit Manager Robert Dodrill notified PCUC that audit field work had been completed, and that PCUC's Request for Confidential Classification of audit workpapers had to be filed within 21 days, that is, by May 9, 1996.

4. On May 1, 1996 PCUC, pursuant to Rule 25-22.034, F.A.C., and Rule 1.340(a) and 1.350(b), Fla. R. Civ. P., filed its responses to OPC's first sets of discovery, which contained objections to discovery, and pursuant to Rule 25-22.006(5)(a) and (c), F.A.C., and Section 367.156, Florida Statutes, PCUC's Motion for Temporary Protective Order and for Protective Order, regarding OPC's requests for production Nos. 2, 4, 12, and 18. Also filed was PCUC's Motion for Oral Argument on its motion for protective orders.

5. On May 2, 1996, PCUC received a copy of the Procedural Order in this Docket. That order requires that:

Discovery

- a. When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

6. PCUC requests that it be granted an extension of time until Monday, May 13, 1996 in which to file its objections to OPC's second sets of discovery. This would be 10 days from the date of the procedural order, and 30 days from the date of service of discovery. The objections would thus be filed with the responses to discovery, consistent with the Florida Rules of Civil Procedure.

7. This extension of time is requested in good faith and not for purposes of delay. The preparation of responses to the first sets of discovery from OPC was quite time consuming. In addition to preparing its responses to OPC's second sets of discovery, which is also quite time consuming, PCUC must determine whether to file a request for confidentiality of audit workpapers, due Wednesday, May 9, 1996.

8. Counsel for OPC, Mr. Steve Reilly, has been contacted with regard to PCUC's request for extension of time but is unable to take a position prior to the time this document was filed. Commission Staff counsel is out of the office until Monday, May 6, 1996 so was unavailable to PCUC.

Notice of Intent to File Motion for Protective Order

9. PCUC hereby files its notice of intent to file a motion for temporary protective order and/or for protective order as to certain of OPC's second set of discovery for which objections, privilege, and/or confidentiality may be asserted. There appears to be no specific time in which a motion for protective order needs to be filed. See Rule 1.280(c), Fla. R. Civ. P., Protective Order. The Courts apparently use a "reasonableness" test.

10. Given the controlling date schedule of this case, the filings which PCUC needs to accomplish, and the stated intent of the Commission in its procedural order to follow a discovery procedure "intended to reduce delay in resolving discovery," PCUC files this notice of intent to file a motion for protective order by Monday, May 20, 1996, that is, four days after PCUC's responses to OPC's discovery are due.


WHEREFORE PCUC respectfully requests that:

1. It be granted a 10 day extension of time from the date of the May 2, 1996 Procedural Order, that is, until Monday, May 13, 1996, in which to file its objections or request for clarification, and

2. That PCUC's Notice of Intent to File Motion for Protective Order by May 17, 1996 be deemed appropriate, or an alternative filing date be identified by order of the Prehearing Officer.

DATED this 3rd day of May, 1996.

Respectfully submitted,



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Attorneys for
Palm Coast Utility Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Mr. Scott Edmond, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and to Mr. Steve Reilly, Esquire, Office of Public Counsel, 111 W. Madison Street, Room 812, Claude Pepper Building, Tallahassee, Florida 32399-1400, on this 3rd day of May, 1996.



B. Kenneth Gatlin