

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Analysis of Utilities, Inc.'s financial / Docket No: 120161-WS
accounting and customer service computer system. /

 / Filed: March 4, 2014

MOTION TO COMPEL DISCOVERY RESPONSES

The Citizens of the State of Florida, through the Office of Public Counsel (“Citizens” or “OPC”), file this Motion to Compel Discovery Responses pursuant to Rule 28-106.206, Florida Administrative Code. As grounds for this motion, Citizens state as follows:

1. On May 24, 2012, pursuant to a settlement between Utilities, Inc. (“UI” or “Utility”) and OPC in Docket No. 110153-SU, Utilities, Inc. of Eagle Ridge (“Eagle Ridge”) filed a Petition for establishment of a generic docket related to Utilities, Inc.'s financial accounting and customer service computer system (“Generic Docket”). UI’s financial accounting and customer service computer system is also known as Project Phoenix.
2. The Commission acknowledged OPC’s intervention on behalf of the UI’s customers by Order PSC-12-0319-PCO-WS, issued June 22, 2012, in this docket.
3. Paragraph 1 of the Eagle Ridge stipulation and settlement approved by Order No. PSC-12-0346-FOF-SU, issued July 5, 2012, in Docket No. 110153-SU, states:

Eagle Ridge will petition this Commission to open a separate generic docket to address the issue relating to the Utility’s Phoenix Project as raised in its December 22, 2011 Petition. OPC will not oppose that petition and Eagle Ridge will not object to OPC including additional Phoenix Project issues and other issues in the generic docket which broadly relate to the issues raised by OPC in its petition, in issue identification meetings in this docket, and any issues related to making and maintaining accounting and ratemaking adjustments in compliance with the NARUC Uniform System of Accounts and prior Commission orders. Once the generic docket has been opened, the parties request a 120 day investigatory period in which to meet informally with staff in a good faith effort to resolve or narrow the disputed generic issues identified herein. If the parties are unable to resolve all the generic issues informally, the parties will request that

the remaining disputed issues be decided by the Commission. Following the Commission's final decision in this generic docket, if there is an upward or downward adjustment to the previously approved revenue requirement for Eagle Ridge, the Utility shall create a regulatory asset or liability. Eagle Ridge shall be required to accrue interest on the regulatory asset or liability at the commercial paper rate until recovered in rates established in the next rate proceeding for Eagle Ridge. In the next rate proceeding, the unrecovered regulatory asset or liability shall be amortized over four years.

(emphasis added).

4. The purpose of this Generic Docket was to provide UI and OPC additional time to resolve or narrow the disputed issues related to Project Phoenix raised by UI and OPC as well as other accounting and ratemaking adjustments raised by OPC. UI and OPC resolved the other accounting and ratemaking issues raised by OPC, and the Commission approved a stipulation and settlement agreement by Order No. Order PSC-14-0044-FOF-WS, issued January 22, 2014 in this docket.

5. On January 16, 2014, Order No. PSC-14-0041-PCO-WS establishing procedure ("OEP") was issued, setting forth controlling dates, discovery procedures, and other hearing procedures.

6. The remaining matters to be resolved in this Generic Docket relate to Project Phoenix, which both parties expressly agreed could be fully litigated in this docket. As identified in the OEP, the disputed issue is: "Should any adjustment be made to the Utility's Project Phoenix Financial/Customer Care Billing System (Phoenix Project)?" This language was broadly drafted to encompass the Project Phoenix issues that both UI and OPC raised in the Eagle Ridge case.

7. On January 28, 2014, OPC propounded its First Set of Interrogatories (Nos. 1-15) and First Request for Production of Documents (Nos. 1-5). On February 14, 2014, UI objected to OPC's First Request for Production Nos. 1-5. UI did not object to OPC's Interrogatories within the time period prescribed by the OEP. On February 28, 2014, UI filed its objections to OPC Interrogatories Nos. 1, 2, 3b, 4b, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 15, and also filed its partial responses to Interrogatories No. 3a, 4a, and 10.

8. OPC asserts that each of the Interrogatories and Requests for Production of Documents (as identified below) relate to subjects encompassed within the remaining broadly drafted issue to be resolved, “Should any adjustment be made to the Utility's Project Phoenix Financial/Customer Care Billing System (Phoenix Project)?”. This motion to compel will address how OPC’s discovery requests are relevant to the matter pending before the Commission. In order for OPC to exercise its right to participate fully and for this Commission to have a complete evidentiary record on the remaining Project Phoenix issue, responses to OPC’s discovery requests must be compelled.

9. A separate request for oral argument will accompany this motion to compel.

10. If the Commission agrees and compels responses to OPC’s discovery, OPC will not receive the responses in time to fully analyze and prepare testimony for filing on March 17, 2014. Therefore, by separate motion, OPC will ask that the Commission grant an extension of time in which OPC may file testimony beyond the currently scheduled March 17, 2014 deadline.

ARGUMENTS FOR COMPELLING DISCOVERY

11. In the Eagle Ridge stipulation and settlement agreement, UI agreed “*Eagle Ridge will not object to OPC including additional Phoenix Project issues. . . .*” In the recent settlement related to the other accounting and ratemaking issues raised by OPC, the parties broadly drafted the remaining Project Phoenix issue to encompass UI’s and OPC’s issues with Project Phoenix.

12. At the time of the Eagle Ridge settlement, UI knew OPC had developed, identified, and documented issues with Project Phoenix beyond the Commission’s allocation methodology. In the stipulation and settlement, OPC agreed not to protest the opening of the Generic Docket and UI agreed it would not object to OPC including its additional Project Phoenix issues.

13. However, in apparent violation of the terms of the Eagle Ridge stipulation and settlement, UI is now objecting to OPC's discovery on the basis that OPC is attempting to inject issues beyond which the parties previously agreed could be litigated in this Generic Docket. UI's objections to OPC's interrogatories and requests for production can be summarized as follows:

UI's Objection to Interrogatories

This Interrogatory requests information beyond the scope of this docket and thus is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence. This docket was opened pursuant to UI's Petition For Establishment of Generic Docket "to address the impact of divested systems on the recovery of the cost of UI's financial accounting and customer service system referred to as 'Project Phoenix' ", and the request for relief was limited to addressing "the impact of divested systems on the Project Phoenix costs." The requested information goes beyond the scope of the Docket.

UI's Objection to Request for Production

UI Objects to providing this documentation. This Docket is not an all encompassing for all Project Phoenix issues. This request has nothing to do with the divestitures. This docket was opened pursuant to UI's Petition For Establishment of Generic Docket "to address the impact of divested systems on the recovery of the cost of UI's financial accounting and customer service system referred to as 'Project Phoenix' ", and the request for relief was limited to addressing "the impact of divested systems on the Project Phoenix costs." Seeking this documentation goes beyond the scope of the Docket.

14. Beyond UI's general objections summarized above, UI made some specific objections to certain Interrogatories and Requests for Production.¹

15. Through its objections, UI is attempting to frame the issue to be litigated in the upcoming hearing narrowly, to be limited solely to addressing the impact of divested systems on the recovery of costs related to Project Phoenix. Nothing in the Eagle Ridge or subsequent Generic Issues stipulation and settlement agreement limit OPC's right to raise its Project Phoenix issues in this docket. UI's

¹ However, none of UI's specific objections need to be discussed in this motion since UI previously agreed to allow OPC to raise OPC's Project Phoenix issues.

objections to OPC's discovery fail to acknowledge that UI previously agreed to allow OPC to raise OPC's issues with Project Phoenix, and OPC's discovery requests in this phase of the case are designed to elicit responses that would be relevant and admissible in the upcoming evidentiary hearing.

16. The broad issue of "Should any adjustment be made to the Utility's Project Phoenix Financial/Customer Care Billing System (Phoenix Project)?" encompasses the following OPC subissues (please note these subissues are subject to fine-tuning):

Issue 1a: What was the original cost of Project Phoenix when it was placed into service in June 2008, and was that cost reasonable and prudent? (In various orders, the Commission has approved recovery of allocated Project Phoenix costs from customers, but has never determined those costs were reasonable and prudent. Further, it appears that the Project Phoenix costs keep changing from the amounts originally requested by UI. OPC believes that it is crucial for the Commission to establish a reasonable cost for the project before a decision can be made to determine the proper Project Phoenix costs to allocate to UI's Florida systems..)

Issue 1b: Have capital additions been added to Project Phoenix after being placed into service in June 2008, and if so, are those costs reasonable and prudent? (In various dockets, it appears that the cost of Project Phoenix has increased, but the Commission has not determined whether those costs were reasonable and prudent).

Issue 1c: Over what period should the Project Phoenix capital costs be depreciated?

Issue 1d: Should any adjustments be made to how the Project Phoenix capital costs are allocated to the UI Florida Systems?

Issue 1e: Are the operations and maintenance (O&M) expenses associated with Project Phoenix reasonable and prudent? (In various dockets, the O&M expenses associated with computer maintenance and supplies incurred after Project Phoenix was placed in service have increased substantially. The Commission has not determined that the increased level of those ongoing O&M costs were reasonable and prudent.)

Issue 1f: Should any adjustments be made to how the O&M Expense costs associated with Project Phoenix are allocated to the UI Florida systems?

Issue 1g: Should regulatory assets or liabilities be established for any UI systems based on the outcome in this case, and if so, in what amounts? (Since UI and OPC expressly agreed to allow UI to create a regulatory asset or liability at the conclusion of the generic docket, it would be helpful for the Commission to know the current amount of the regulatory asset or liability to be created.)

17. These issues subsumed in the ultimate Project Phoenix issue are OPC's issues with Project Phoenix which UI agreed could be raised in the generic docket.

18. The arguments below will explain how each Interrogatory and Request for Production relates to one or more of OPC's Project Phoenix issues and why a response should be compelled to enable the Commission to fully determine the prudence of all facets of this case.

ARGUMENTS

INTERROGATORIES

UI objected to OPC Interrogatories Nos. 1, 2, 3b, 4b, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 15, below:

Project Phoenix

1. Regarding the Legacy computer system used by UI prior to the implementation of Project Phoenix, please state when was it placed into service, over what period the system was it used by UI, over what period the asset was depreciated, and whether the asset been retired from the general ledger.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1c, and over what period of time the project should be depreciated.*

2. Please provide the following regarding Project Phoenix:
 - a. A brief overview of Project Phoenix as it exists today;
 - b. When Project Phoenix was initially conceived to replace the Legacy computer system, the intended purpose and scope of Project Phoenix;
 - c. As Project Phoenix was being developed, what changes, if any, were made to the purpose and scope;
 - d. Once Project Phoenix was completed and placed into service, whether it fulfilled and continues to fulfill its originally intended purpose and scope (all parts and subparts), and if not, why not;
 - e. Whether the Project Phoenix, in whole or in part, exceeds the originally intended purposes and scope, and if so, please explain why;

- f. The amount of the initial contracted cost estimate when Project Phoenix was initially conceived;
- g. The completed final contract cost for Phoenix Project upon completion;
- h. The known or contracted capital improvements and annual recurring expenses in the original contract for Project Phoenix when it was initially conceived;
- i. The contracted capital improvements and annual recurring expenses in the contract for Project Phoenix upon completion;
- j. A breakdown of the following capitalized costs for the Project Phoenix at the time the asset was placed into service: hardware, software, capitalized contract labor, capitalized in-house labor and other identified costs.
- k. What depreciation rate UI believes is the appropriate depreciation rate for Project Phoenix for general ledger and rate setting purposes? If the response indicates that different depreciation rates should be used, please provide a statement stating why.

OPC response to UI's Objection: UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1a, whether the original cost of Project Phoenix was prudent when placed into service, Issue 1b, whether the subsequent cost added to Project Phoenix is prudent, Issue 1c, appropriate depreciation rate for Project Phoenix.

- 3. Please provide the following regarding the JDE financial accounting portion of the Project Phoenix:
 - a. The date when the project was initially estimated to be completed, and the actual date it was completed and placed into service. **(No Objection)**
 - b. Whether the project has been materially modified since being placed into service and, if so, provide a description and amount of the modification, and what necessitated any modification.

OPC response to UI's Objection: UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1a, whether the original cost of Project Phoenix was prudent when placed into service, and Issue 1b, whether any subsequent costs added to Project Phoenix were prudent. There are two components to Project Phoenix, and this discovery seeks information related to the JDE financial accounting portion of the Project Phoenix.

4. Please provide the following regarding the customer care and billing (“CCB”) portion of the Project Phoenix:
 - a. The date when the project was initially estimated to be completed, and the actual date it was completed and placed into service. **(No Objection)**
 - b. Whether the project has been materially modified since being placed into service and, if so, provide a description and amount of the modification, and what necessitated any modification.

OPC response to UI’s Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1a, whether the original cost of Project Phoenix was prudent when placed into service, Issue 1b, whether any subsequent costs added to Project Phoenix were prudent. There are two components to Project Phoenix, and this discovery seeks information related to the customer care and billing (“CCB”) portion of the Project Phoenix.*

5. For each year from 2007 through 2013, please provide the balance of plant in service recorded on the general ledger for the total company related to Project Phoenix broken down between hardware, software, contractual labor, and capitalized in-house labor. Also, provide the account number(s) to which all Project Phoenix costs are recorded.

OPC response to UI’s Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1a, whether the original cost of Project Phoenix was prudent when placed into service, Issue 1b, whether any subsequent costs added to Project Phoenix were prudent. The Commission cannot determine whether the original or current cost of Project Phoenix is prudent without this information.*

6. For each year from 2007 through 2013, please provide the annual balance of accumulated depreciation, and depreciation expense recorded on the general ledger for the total company related to Project Phoenix. Also provide the depreciation rate used on the general ledger.

OPC response to UI’s Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1c. Without accumulated depreciation and depreciation expense, the Commission cannot properly allocate Project Phoenix costs to the Florida systems.*

7. Since June 2008, please itemize and describe all amounts capitalized to Project Phoenix. As part of this response, please explain how or why the amounts were determined to be a capital addition instead of an annual operating expense.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1b, whether any subsequent costs added to Project Phoenix were prudent. The Commission cannot determine whether the current cost of Project Phoenix is prudent without this information about how UI capitalizes costs to Project Phoenix.*

8. For each rate case completed since 2007, please provide the following:
 - a. Whether the Company adjusted its general ledger to reflect Commission ordered adjustments related to the gross amount of plant for Project Phoenix.
 - b. For each system in Florida, state whether the Company maintained a subsidiary ledger or worksheets to reflect the Commission ordered adjustments related to the gross amount of plant for Project Phoenix and included those adjustments in rate case filings or annual reports.
 - c. Whether the Company adjusted its general ledger to reflect Commission ordered adjustments related to the change in depreciation rate for Project Phoenix.
 - d. For each system in Florida, state whether the Company maintained a subsidiary ledger or worksheets to reflect the Commission ordered adjustments related to the change in depreciation rate for Project Phoenix and included those adjustments in rate case filings or annual reports.
 - e. Whether the Company adjusted its general ledger to reflect Commission ordered adjustments related to the affiliate reallocation for Project Phoenix.
 - f. For each system in Florida, state whether the Company maintained a subsidiary ledger or worksheets to reflect the Commission ordered adjustments related to the affiliate reallocation for Project Phoenix and included those adjustments in rate case filings or annual reports.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1d and 1f, how to allocate Project Phoenix capital and O&M costs to the Florida systems, and Issue 1c, depreciation rate for Project Phoenix.*

This discovery also touches on whether UI complied with prior Commission orders relating to Commission ordered Project Phoenix adjustments which enable the Commission to determine the amount of Project Phoenix cost to be allocated to the Florida systems.

9. For each rate case completed *after* the Commission's approval of the Eagle Ridge Settlement (Order No. PSC-12-0346-FOF-SU, issued July 5, 2012, in Docket No. 110153-SU) that included any costs associated with Project Phoenix, please describe the current balance of the regulatory asset, by system, as permitted by the Eagle Ridge Settlement. Please provide all calculations documentation showing how each and every amount recorded as a regulatory asset was determined.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1g, and attempts to identify the amount of the regulatory asset that may be created at the conclusion of this case. If UI is successful in its arguments and there is no current balance of a regulatory asset, by system, the Commission will not be able to verify whether the regulatory asset to be created is accurate.*

10. For each year from 2007 through 2013, please provide the total company, total Florida, and each Florida system specific ERCs used to allocate Project Phoenix on the Company's general ledger. **(No Objection)**
11. Please describe all expected capital projects or material modifications (including an estimate of those costs) that the Company expects will be made to Project Phoenix within the next two years, 5 years, and 10 years.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1a and 1b, the overarching prudence of Project Phoenix. If Project Phoenix is constantly requiring major capital improvement or material modifications, then UI may be imprudent for incurring the costs (and all future costs) for Project Phoenix.*

Computer Expenses

12. For each year from 2006 through 2013, please provide the balance of Computer Expense (included in Accounts 5735 – Computer Maintenance and 5740 – Computer Supplies) on a total company basis.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1e, regarding the O&M costs associated with Project Phoenix. This discovery will enable the Commission to determine whether the significant increases in computer maintenance and supplies associated with the implementation of Project Phoenix are reasonable and prudent..*

13. Please provide a list of all cost savings related to financial accounting and customer billing that have been implemented since Project Phoenix was placed in service as it relates to annual Computer Expenses, and how much of those cost savings directly resulted from Project Phoenix.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1e and 1f. At the time that UI was first seeking cost recovery for Project Phoenix, it only requested recovery of the incremental capital costs. The incremental O&M Expenses associated with Project Phoenix were not identified by the Company or specifically addressed by the Commission, nor whether there were any cost savings as a result of the implementation of Project Phoenix. The Commission should consider the savings, if any, that were provided by Project Phoenix when determining the prudence of these costs.*

14. Please provide an explanation and comparison of the types and amounts of costs included in Accounts 5735 – Computer Maintenance and 5740 – Computer Supplies for 2007 (prior to the year Project Phoenix was placed in service), for 2008 (the first full year of project Phoenix implementation), and for the most recent year 2013.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1a, 1b, 1e and 1f, the overarching prudence of Project Phoenix and the incremental O&M Expenses. A response to this discovery would provide a base-line for which to compare pre-implementation, first year in service, and current on-going Project Phoenix O&M expenses.*

15. For 2013, please provide a breakdown of each type of cost included in Computer Expense (included in Accounts 5735 – Computer Maintenance and 5740 – Computer Supplies), an explanation of why the cost was incurred, and whether any in-house labor charges are allocated to these accounts.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1e and 1f, the overarching prudence of Project Phoenix O&M Expenses. A response to this discovery would help the Commission determine the reasonableness of the current levels of charges and whether any in-house labor charges are being allocated to these accounts.*

DOCUMENTS REQUESTED

UI Objected to Requests for Production of Documents (RPD) Nos. 1-5, below:

1. Please provide a copy of all contracts related to Project Phoenix, including the contract(s) to design and implement Project Phoenix, any subsequent Project Phoenix contracts, and any contracts for on-going maintenance and operations of Project Phoenix.

OPC response to UI's Objection: UI has previously agreed to allow OPC to raise its Project Phoenix issues. This RPD relates to Issues 1a and 1b, , the overarching prudence of Project Phoenix. A response to this discovery would help the Commission determine whether the capital and O&M expenses charged to Project Phoenix are reasonable and prudent.

2. Please provide a copy of all documents supporting the capitalization of additional Project Phoenix costs since June 2008 referenced in Interrogatory No. 7. These documents should include contracts, work orders, invoices, timesheets, allocation calculations and the basis of allocation, and all electronic or Excel worksheets with all formulas intact with no encryptions or pass-word protections. For any capitalized labor, please provide supporting timesheets or documentation to verify that the capitalized time was spent on the referenced project.

OPC response to UI's Objection: UI has previously agreed to allow OPC to raise its Project Phoenix issues. This RPD relates to Issue 1b, whether any subsequent costs added to Project Phoenix were prudent. The Commission cannot determine whether the current cost of Project Phoenix is prudent without this information about how UI capitalizes costs to Project Phoenix.

3. Please provide a copy of documents that support how the general ledger was adjusted or subsidiary ledgers or worksheets were maintained to record or reflect the impact of the Commission ordered adjustments related to Project Phoenix referenced in Interrogatory No. 8.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1d and 1f, how to allocate Project Phoenix capital and O&M costs to the Florida systems, and Issue 1c, depreciation rate for Project Phoenix.*

This discovery also touches on whether UI complied with prior Commission orders relating to Commission ordered Project Phoenix adjustments which enable the Commission to determine the amount of Project Phoenix cost to be allocated to the Florida systems.

4. Please provide a copy of all documents and electronic worksheets in Excel format that support the calculations used to determine the costs included in the balance of the regulatory asset, by system, as permitted by the Eagle Ridge Settlement referenced in Interrogatory No. 9. These documents should include contracts, work orders, invoices, timesheets, allocation calculations and the basis of allocation, and all electronic or Excel worksheets with all formulas intact with no encryptions or password protections. For any capitalized labor, please provide supporting timesheets or documentation to verify that the capitalized time was spent on the referenced project.

OPC response to UI's Objection: *UI has previously agreed to allow OPC to raise its Project Phoenix issues. This interrogatory relates to Issue 1g, and attempts to identify the amount of the regulatory asset that may be created at the conclusion of this case. If UI is successful in its arguments and there is no current balance of a regulatory asset, by system, the Commission will not be able to verify whether the regulatory asset to be created was accurate.*

5. Regarding Interrogatories Nos. 1-15, please provide any documents identified or referenced in the response to those interrogatories, or any documents otherwise responsive to those interrogatories.

OPC response to UI's Objection: UI has previously agreed to allow OPC to raise its Project Phoenix issues. This RPD requests production of documents referenced in responses to interrogatories. The documents produced, if any are identified, would be relevant to Issues 1a through 1g.

19. For the reasons discussed above, UI should be compelled to provide responses to OPC's First Set of Interrogatories (Nos. 1-15) and First Request for Production of Documents (Nos. 1-5). Without the interrogatory responses or actual documents, OPC will be severely prejudiced in pursuing the resolution of the Project Phoenix issues raised on behalf of UI's Customers.

20. The narrow Project Phoenix issue that UI purports to be the only issue remaining resulted from the Commission's adjustments to Project Phoenix. OPC supports continuing the Commission's current Project Phoenix adjustment methodology; however, without responses to this discovery, the Commission has no evidence upon which to continue its adjustments going forward.

RELIEF REQUESTED

21. OPC respectfully requests that UI be compelled to respond to the First Set of Interrogatories and First Request for Production of Documents. Further, OPC asks that the Utility be required to provide all responses directly to OPC. Producing responses and documents in any manner other than directly to OPC only adds unnecessary delay and hardship to OPC in preparing its prefiled testimony.

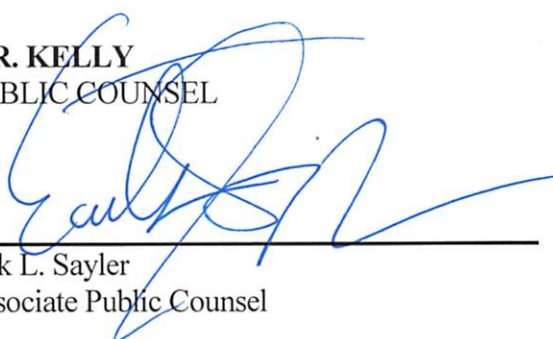
22. Should OPC's motion to compel be granted, in full or in part, and given the limited time period remaining in which OPC has to prepare and pre-file testimony on March 17, 2014, OPC requests that

the Commission look favorably at extending OPC's deadline to pre-file testimony in this case. By separate motion, OPC will request a minimum of 30 days upon receipt of the discovery responses in which to file direct testimony based upon the compelled discovery.

23. In accordance with Rule 28-106.204(3), Florida Administrative Code, OPC consulted with Counsel for UI prior to the filing of this motion to compel and UI opposes the relief sought herein.

WHEREFORE, the Office of Public Counsel, on behalf of the customers of UI, respectfully requests this Motion to Compel Discovery Responses be granted.

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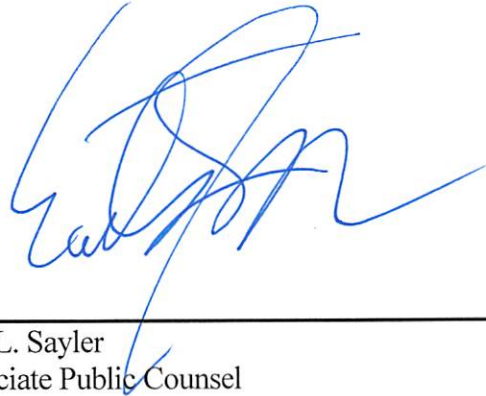
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Office of Public Counsel **Motion to Compel Discovery Responses** has been furnished by electronic mail and/or U.S. Mail to the following parties on this 4th day of March, 2014, to the following:

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