

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 911030-WS  
increase in Brevard County by )  
GENERAL DEVELOPMENT UTILITIES, )  
INC. (Port Malabar Division) )  
\_\_\_\_\_ )

In re: Application for a rate ) DOCKET NO. 911067-WS  
increase by GENERAL DEVELOPMENT ) ORDER NO. PSC-92-0386-PCO-WS  
UTILITIES, INC. in Charlotte, ) ISSUED: 5/22/92  
DeSoto and Sarasota Counties )  
\_\_\_\_\_ )

ORDER ON NORTH PORT AND PALM BAY'S  
MOTION FOR EMERGENCY PROTECTIVE ORDER  
AND ON GDU'S MOTION FOR EXTENSION OF TIME  
TO FILE REBUTTAL TESTIMONY

On May 8, 1992, the Cities of Palm Bay and North Port (Cities) filed an Emergency Motion for Protective Order, pursuant to Rule 25-22.034, Florida Administrative Code and Rule 1.280(c), Florida Rules of Civil Procedure. In their Motion, the Cities seek a protective order to move the time, or cancel and reschedule the deposition of Gerald C. Hartman, which was originally scheduled for May 8, 1992. The Cities contended that Mr. Hartman had scheduling conflicts and could not be available on May 8, 1992.

On May 12, 1992, General Development Utilities, Inc. (GDU or utility) filed a Response to Motion for Protective Order Regarding the Hartman Deposition and a Request for Extension of Time to File Rebuttal Testimony for John F. Guastella. In its Response, GDU states that the utility and the Cities agreed to move Mr. Hartman's deposition to May 13, 1992. Further, GDU requests an extension of time of May 18, 1992, for filing Mr. Guastella's Rebuttal Testimony. GDU asserts the additional time is needed as a result of information given through the Hartman deposition.

Mr. Hartman's deposition was already held on May 13, 1992, thus making the Cities' Motion moot. However, it is appropriate to require that Mr. Hartman's Late-filed Exhibits, requested at Deposition, shall be filed by the close of business on June 1, 1992.

By Order No. PSC-92-0355-PCO-WS, issued May 13, 1992, Commissioner Susan F. Clark, as Prehearing Officer, granted the Cities' motion to change the date of the hearing. Since discovery dates will be rescheduled as a result of the Continuance, it is not necessary to reach the merits of GDU's Motion for Extension of

DOCUMENT NUMBER-DATE

05238 MAY 22 1992

FPC-RECORDS/REPORTING

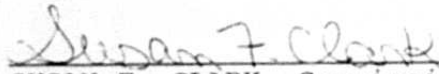
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Time. A new schedule for filing all pending discovery will be forthcoming at a later date.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Late-Filed Exhibits from Gerald Hartman's deposition must be filed with the Division of Records and Reporting by the close of business on June 1, 1992.

By Order of Commissioner Susan F. Clark, as Prehearing Officer, this 22nd day of May, 1992.

  
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SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

SFC/LAJ/CB/KAC

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

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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.