

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 920188-TL  
increase by GTE FLORIDA ) ORDER NO. PSC-92-0820-PCO-TL  
INCORPORATED. ) ISSUED: 08/17/92  
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ORDER RESOLVING OUTSTANDING MOTIONS

I. OPC'S MAY 12, 1992 MOTION TO COMPEL AND  
REQUEST FOR ORAL ARGUMENT

On April 7, 1992, the Office of Public Counsel (OPC) filed interrogatories and requests for production of documents. On May 12, 1992, OPC filed a Motion to Compel and Request for Oral Argument wherein OPC asserts that responses to its discovery were due on May 12, 1992, and that GTE Florida Incorporated (GTEFL or the Company) has neither objected nor responded to the discovery requests. OPC acknowledges a letter from GTEFL regarding the discovery.

On May 18, 1992, GTEFL responded that, pursuant to the Rules of Civil Procedure, discovery is permissible after the commencement of the action. GTEFL asserts that it did not file its application, tariffs and accompanying materials until May 1, 1992, and takes this date to be the commencement of the instant rate case. Thus, there is a question of when, specifically, this case began.

Despite the lack of a bright line starting point, I note that OPC has served GTEFL with at least fifteen sets of interrogatories which number 782, not including subparts, and ten Requests for Production of Documents which number 283, not including subparts. To my knowledge, the Company has objected to answering only eleven specific discovery requests and those disputed discovery requests have subsequently been resolved by the parties.

Since the discovery at issue in OPC's Motion to Compel has been provided by the Company, I deny the Motion to Compel and Request for Oral Argument. The issue appears to be moot. I understand that OPC may have concerns regarding the compressed time frame of rate cases before the Commission and acknowledge that a well-defined starting line for the process is needed. However, in the instant case, I find that OPC has made up in volume any disadvantage it could assert regarding time.

DOCUMENT NUMBER-DATE

09175 AUG 17 1992

FPSC-RECORDS/REPORTS

## II. GTE SYNOPSIS

On May 28, 1992, GTEFL filed a Motion to waive the timing requirements of Rule 25-22.0406, Florida Administrative Code, which addresses the distribution of a synopsis of the rate request, additional MFRs, and customer notices. At that time, the Company's MFRs had not been approved and it was GTEFL's position that compliance with the Rule prior to approval of the MFRs would be confusing if the MFRs were subsequently modified at our direction. OPC did not oppose this Motion. On June 11, 1992, our staff sent the Company a letter approving its MFRs. On June 12, 1992, the Company submitted its proposed bill insert, legal notice and synopsis for our approval pursuant to Rule 25-22.0406, Florida Administrative Code.

## III. MOTIONS FOR TEMPORARY PROTECTIVE ORDER

The Company has filed several Motions for Temporary Protective Orders pursuant to Rule 25-022.006(5)(c), Florida Administrative Code. This Rule provides for OPC to take possession of material which the Company asserts to be proprietary and thus exempt from the requirements of Section 119.07(1), Florida Statutes. OPC has opposed none of these requests. In its June 24, 1992, Motion, the Company requests that we grant a Temporary Protective Order for all subsequent discovery requests by OPC in the case. This is a fairly settled area of the law, and I am inclined to grant the Company's Requests and have them apply all of its responses to OPC's discovery requests. However, I am concerned that such a blanket Order could be abused. Therefore, I shall grant a Temporary Protective Order for all of OPC's discovery to GTEFL in this case subject to specific objection by OPC. Should OPC object to any specific material being included under a blanket Temporary Protective Order, I will consider such material on a case by case basis.

Therefore, it is

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the Office of Public Counsel's May 12, 1992, Motion to Compel and Request for Oral Argument is hereby denied. It is further

ORDERED that GTE Florida Incorporated's request for waiver of Rule 25-22.0406, Florida Administrative Code, is moot. It is further

ORDERED that GTE Florida Incorporated's June 24, 1992, request for a blanket Temporary Protective Order regarding OPC's discovery

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requests, filed pursuant to Rule 25-22. 006(5)(c), Florida Administrative Code, is hereby granted subject to specific objection by OPC. Should OPC object to specific material being covered by this Temporary Protective Order, I will examine such material on a case by case basis.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 17th day of August, 1992.



THOMAS M. BEARD, Chairman  
and Prehearing Officer

( S E A L )

CWM

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