

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate) DOCKET NO. 920310-TL
increase by Central Telephone) ORDER NO. PSC-92-0852-PCO-TL
Company of Florida.) ISSUED: 08/24/92
_____)

ORDER UPON RECONSIDERATION OF ORDER LIMITING DISCOVERY

On July 24, 1992 I issued Order No. PSC-92-0708-FOF-TL (Order No. 708) which, among other things placed a limitation on the discovery that could be served by any one party. Discovery was limited to 450 interrogatories, including subparts, and 300 requests for production of documents. On August 7, 1992 the Office of the Public Counsel (OPC) filed a Motion for Reconsideration of Order No. 708. On August 14, 1992 Central Telephone Company of Florida (Centel) filed a Response to the Motion and a request for clarification. Centel's response objected to the modification of the discovery limitations and the request for clarification seeks relief unrelated to the discovery matter. Since the time for response to the request for clarification has not passed, I will reserve ruling until the appropriate time.

Having considered the pleadings of the parties, I am persuaded that good cause has been shown to modify those provisions of the order limiting discovery. I further note that similar action has been taken in other recent large telephone rate cases. See, Order No. PSC-92-0821-PCO-TL, issued August 17, 1992, In Re: Application for a Rate Increase by GTE FLORIDA INCORPORATED (no limitation on discovery in the GTE Order on Prehearing Procedure); and Order No. PSC-92-0099-PCO-TL, issued March 24, 1992, In Re: Application for a rate increase by UNITED TELEPHONE COMPANY OF FLORIDA (limitation on discovery removed upon reconsideration of the United Telephone rate case Order on Prehearing Procedure).

Certainly Centel still retains any ability it always has had under Commission Rules and the Rules of Civil Procedure if it can show that discovery has become burdensome or oppressive. Therefore, within the broad discretion entrusted to the prehearing officer in these matters, I am removing the limitation on discovery contained in Order No. 708.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that reconsideration of Order No. PSC-92-0708-FOF-TL is hereby granted to the extent set forth in the body of this Order. It is further

DOCUMENT NUMBER-DATE

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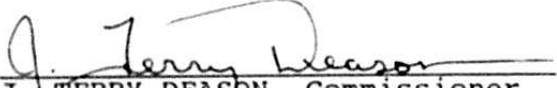
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ORDER NO. PSC-92-0852-PCO-TL
DOCKET NO. 920310-TL
PAGE 2

ORDERED that the limit on the number of interrogatories and requests for production of documents in this case, as set forth in Order No. 25807, shall not apply. It is further

ORDERED that all other provisions of Order No. PSC-92-0708-FOF-TL shall remain in effect.

By ORDER of the Commissioner J. Terry Deason, as Prehearing Officer, this 24th day of August, 1992.


J. TERRY DEASON, Commissioner
and Prehearing Officer

JKA

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.