

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Rate) DOCKET NO. 920733-WS
Increase in Marion County by)
General Development Utilities,)
Inc. (Silver Springs Shores)
Division))

In re: Application for Rate) DOCKET NO. 920734-WS
Increase in Glades and Hendry) ORDER NO. PSC-93-0032-PCO-WS
Counties by General) ISSUED: 01/07/93
Development Utilities, Inc.)
(Port LaBelle Division))

ORDER GRANTING PUBLIC COUNSEL'S MOTION TO PERMIT
ADDITIONAL INTERROGATORIES AND
REVISING ORDER ESTABLISHING PROCEDURE

On November 5, 1992, Order No. PSC-92-1274-PCO-WS, the Order Establishing Procedure, was issued in the above-referenced dockets. Pursuant to the Order Establishing Procedure, discovery was limited to 150 interrogatories, including subparts and 75 requests for production of documents, including subparts. On December 16, 1992, the Office of Public Counsel (OPC) served its First Set of Interrogatories consisting of 97 interrogatories and 69 subparts upon General Development Utilities, Inc. (the utility). On the same date, OPC filed a Motion to Permit Additional Interrogatories. The utility did not file a response to OPC's Motion.

In support of its Motion, OPC states that: 1) limiting the Citizens to 150 interrogatories would substantially prejudice the Citizens because it would interfere with their discovering information necessary to prepare their case; 2) the first set of interrogatories is designed to obtain necessary information as quickly as possible; 3) upon receipt of the information, OPC will submit additional interrogatories only as necessary; and 4) allowing OPC to serve its First Set of Interrogatories will expedite the discovery process.

It is standard Commission practice for the Prehearing Officer to limit discovery in the Order Establishing Procedure. The Commission limits discovery so that rate case expense may be kept to a reasonable level. Rule 1.340 of the Rules of Civil Procedure states that "the interrogatories shall not exceed 30, including all subparts, unless the Court permits a larger number on motion and notice and for good cause."

OPC's first set of interrogatories includes 97 interrogatories and 69 subparts. Even though OPC exceeded the limit set forth in the Order Establishing Procedure, the nature of the interrogatories

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appears to be reasonable. Therefore, it is appropriate to grant OPC's motion to permit additional interrogatories. Furthermore, because there is a likelihood that additional discovery will occur, it is appropriate to revise Order No. PSC-92-1274-PCO-WS (Order Establishing Procedure) to allow a total of 450 interrogatories, including subparts and 125 requests for production of documents, including subparts. All other aspects of Order No. PSC-92-1274-PCO-WS are hereby reaffirmed.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Office of Public Counsel's Motion to Permit Additional Interrogatories is hereby granted. It is further

ORDERED that Order No. PSC-92-1274-PCO-WS is hereby revised to permit a total of 450 interrogatories, including subparts, and 125 requests for production of documents, including subparts. All other aspects of Order No. PSC-92-1274-PCO-WS are hereby reaffirmed.

By ORDER of Susan F. Clark, as Prehearing Officer, this 7th
day of January, 1993.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

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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.