

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921237-WS
Amendment of Certificate Nos.) ORDER NO. PSC-94-0330-PCO-WS
298-W and 248-S in Lake County) ISSUED: March 24, 1994
by JJ'S MOBILE HOMES, INC.)
_____)

ORDER DENYING OFFICE OF PUBLIC COUNSEL'S
MOTION TO SHORTEN TIME TO RESPOND TO DISCOVERY REQUESTS

At the February 1, 1994, Agenda Conference, the Commission considered an emergency complaint filed by George Wimpey of Florida, Inc. (Wimpey) against JJ's Mobile Homes, Inc. (JJ's). The Commission dismissed Wimpey's complaint, but on its own motion initiated an investigation to address several outstanding concerns and determine whether or not territory should be deleted from JJ's certificated territory. The Commission ordered that the investigation docket be consolidated with this docket for the purpose of hearing. This matter was originally scheduled to be heard on May 23-24, 1994, in Mt. Dora, Florida.

On February 11, 1994, the Office of Public Counsel (OPC) filed a Motion to Shorten Time for Responding to Discovery Requests. OPC requested that the time for responding to interrogatory questions be shortened to 15 days, and the time for responding to requests for production of documents be shortened to 10 days, both in this docket and the soon-to-be-opened investigation docket. The motion was premised on the fact that the hearing was scheduled for May 23-24, 1994, which would provide limited time to conduct discovery before the hearing date. No motions were filed in opposition to OPC's motion.

At the February 1, 1994, Agenda Conference, the Commission noted that it may be necessary to expedite discovery in both dockets given the relatively short period of time between the initiation of the docket and the formal hearing. However, since that conference, the hearing has been rescheduled to July 13-14, 1994. While OPC's motion would have had merit had the hearing date remained in May, the newly established date will allow parties sufficient time to conduct discovery within the normal timelines of the Rules of Civil Procedure.

For the reasons set forth above, OPC's Motion to Shorten Time to Respond to Discovery Requests is denied.

DOCUMENT NUMBER-DATE

02781 MAR 24 1994

FPSC-RECORDS/REPORTING

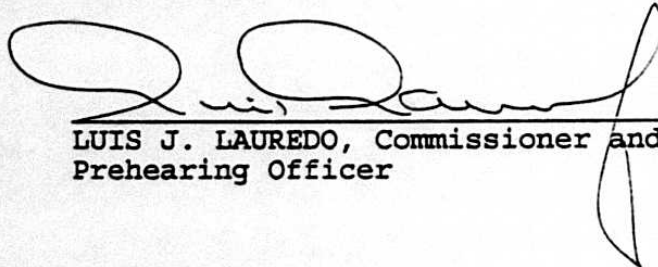
ORDER NO. PSC-94-0330-PCO-WS
DOCKET NO. 921237-WS
PAGE 2

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Luis J. Lauredo, as Prehearing Officer, that OPC's Motion to Shorten Time for Response to Discovery Requests is hereby denied. It is further

ORDERED that all requests for discovery shall be answered within the timelines set forth in the Florida Rules of Civil Procedure.

By ORDER of Commissioner Luis J. Lauredo, as Prehearing Officer, this 24th day of March, 1994.



LUIS J. LAUREDO, Commissioner and
Prehearing Officer

(S E A L)

MO

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.