

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921237-WS
Amendment of Certificate Nos.) ORDER NO. PSC-94-0357-PCO-WS
298-W and 248-S in Lake County) ISSUED: March 28, 1994
by JJ'S MOBILE HOMES, INC.)
_____)

ORDER DENYING JJ'S MOBILE HOMES' MOTION FOR PROTECTIVE ORDER
AND MOTION TO QUASH

On March 15, 1994, the Office of Public Counsel (OPC) filed a Notice of Service of Deposition of Buryl N. Stokes, III. Mr. Stokes has been subpoenaed for deposition on March 29, 1994, in Taveres, Florida. On March 17, 1994, JJ's Mobile Homes, Inc. (JJ's) filed a Motion for Protective Order and Motion to Quash the subpoena issued by OPC.

In its motion, JJ's alleges that Mr. Stokes is a sole practitioner accountant who is extremely busy during the tax season. Because of his workload and professional obligations, JJ's argues that Mr. Stokes will be unavailable for the deposition, and will be unable to adequately prepare for the deposition, until after April 18, 1994. JJ's further states that to require a deposition prior to that date would work a significant hardship upon Mr. Stokes, impair his ability to perform his professional duties, and could subject him to civil and professional liability. JJ's claims that the rescheduling of the deposition to a later date would not prejudice OPC. JJ's requests that a protective order be issued or the subpoena be quashed so that Mr. Stokes may be deposed after the tax season.

Pursuant to Rule 1.280(c), of the Florida Rules of Civil Procedure, a party may request that a court issue an order protecting the person to be deposed from "annoyance, embarrassment, oppression, or undue burden or expense." It appears that JJ's primary claim is that the deposition scheduled for March 29, 1994 will cause undue burden or expense upon Mr. Stokes. After consideration of JJ's argument, we find it appropriate to deny JJ's motion for protective order and motion to quash. JJ's has not demonstrated sufficient grounds to support the quashing of OPC's subpoena.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Luis J. Lauredo, as Prehearing Officer, that JJ's Mobile Homes Motion for Protective Order and Motion to Quash is denied.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Luis J. Lauredo, as Prehearing Officer, this 28th day of March, 1994.



LUIS J. LAUREDO, Commissioner and
Prehearing Officer

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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.