

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1573-PCO-WS
availability charges by Southern) ISSUED: December 20, 1995
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola County, and in)
Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St.)
Johns, St. Lucie, Volusia, and)
Washington Counties.)

ORDER DECLINING TO RULE UPON OFFICE OF PUBLIC COUNSEL'S
NINTH MOTION TO COMPEL, AND DENYING NINTH MOTION
TO POSTPONE DATE FOR FILING INTERVENOR TESTIMONY

On October 18, 1995, the Office of Public Counsel (OPC) filed its Ninth Motion to Compel and Ninth Motion to Postpone Date for Filing Intervenor Testimony. OPC requests that the Commission compel Southern States Utilities, Inc., (SSU or utility) to immediately answer certain interrogatories and requests for production of documents from OPC's sixth set of interrogatories and requests for production of documents. In its October 25, 1995, response, SSU contends that it has complied with all but one of OPC's requests, and that it will provide the remaining document (OPC's Request for Production of Document No. 186) immediately.

Since the time of filing of the pleadings, SSU has supplied responses to all of OPC's requests that were the subject of the motion to compel. Therefore, it is unnecessary to rule upon OPC's Ninth Motion to Compel.

In its Ninth Motion to Postpone Intervenor Testimony, OPC requests that the Commission postpone the date for filing intervenor testimony on a day-for-day basis for every day that SSU delayed in responding to discovery. SSU responds that it has responded timely to the vast majority of the hundreds of discovery requests, and that OPC has not demonstrated that it has been prejudiced.

SSU has responded to the discovery requests at issue herein, and has answered the majority of OPC's discovery requests in a timely manner. By Order No. PSC-95-1394-PCO-WS, issued November 9, 1995, SSU was ordered to advise parties of any delays in responding

DOCUMENT NUMBER-DATE

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to discovery requests, and to apply for an extension of time to respond. Furthermore, since the filing of OPC's motion the Commission has postponed the hearing and rescheduled intervenor testimony. Any prejudice to OPC has relieved by this rescheduling. Accordingly, OPC's request to postpone the date for filing intervenor testimony is denied.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that OPC's Ninth Motion to Postpone Date for Filing Intervenor Testimony is denied.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 20th day of December, 1995.



DIANE K. KIESLING, 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.