

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of IMC-Agrico  
Company for a Declaratory  
Statement Confirming Non-  
Jurisdictional Nature of Planned  
Self-Generation.

DOCKET NO. 971313-EU  
ORDER NO. PSC-98-0161-PCO-EU  
ISSUED: January 27, 1998

ORDER EXPEDITING DISCOVERY

Due to the expedited scheduling of the hearing in this case, an expedited discovery schedule is both reasonable and necessary. Accordingly, pursuant to Rule 25-22.034, in order to provide for accelerated discovery in this case, the discovery provisions of the Florida Rules of Civil Procedure are hereby modified as follows:

a) Service of all pleadings and documents related to discovery (including, without limitation, notices of deposition, requests for production of documents, written interrogatories, requests for admissions, and responses or objections to discovery) shall be by hand delivery or by some form of express or expedited mail or courier service which is reasonably expected to effect delivery on the next business day.

b) All responses or objections to discovery must be served within seven (7) days from the date of receipt of the discovery request or, for discovery requests received prior to the date of this Order, within seven (7) days from the date of this Order.

c) In the event of any disputes regarding discovery, the parties shall first attempt to arrive at an amicable resolution of the disputes. If the disputes cannot be so resolved, the aggrieved party shall contact the Prehearing Officer by telephone and schedule a time for a hearing by telephone conference call to resolve the matter. If time allows, the Prehearing Officer may permit written responses to the Motion to Compel. Otherwise, the dispute will be resolved by oral argument.

DOCUMENT NUMBER-DATE

01444 JAN 27 98

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-0161-PCO-EU  
DOCKET NO. 971313-EU  
PAGE 2

d) Any party may by written motion request modification of any of the provisions of the foregoing subparagraphs. The motion shall state whether the other parties concur or oppose the request.

In view of the above, it is

ORDERED by Commissioner Susan F. Clark as Prehearing Officer, that Discovery is Expedited as provided in the body of this Order. It is further

ORDERED that this docket remain open.

By ORDER of Commissioner Susan F. Clark as Prehearing Officer, this 27th day of January, 1998.

  
SUSAN F. CLARK, Commissioner  
and Prehearing Officer

(S E A L)

RCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

ORDER NO. PSC-98-0161-PCO-EU  
DOCKET NO. 971313-EU  
PAGE 3

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 25-22.0376, 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.