

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost  
recovery clause.

DOCKET NO. 020007-EI  
ORDER NO. PSC-02-1408-PCO-EI  
ISSUED: October 9, 2002

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY

ORDER SHORTENING RESPONSE TIME FOR DISCOVERY REQUESTS

Discovery in administrative adjudications is governed by the Florida Rules of Civil Procedure. See Rule 28-106.206, Fla. Admin. Code. Rule 1.340(a), Fla. R. Civ. P., provides that responses to interrogatories must be served within 30 days after the service of the interrogatories. Rule 1.350, Fla. R. Civ. P., establishes the same response time for requests for production of documents. Rule 28-106.211, Fla. Admin. Code, allows the prehearing officer to "issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case."

Given the number of new projects proposed in the projection testimony, there is a need for discovery at a relatively late stage in this proceeding. Therefore, I find that it is reasonable to shorten the response time for discovery requests to 15 days from the time of service to ensure that information sought in discovery is available for review prior to the hearing. This time frame applies to all discovery requests served on or after the date of issuance of this Order, until the conclusion of the proceeding scheduled for this year. Furthermore, in view of the shortened discovery response period, parties and Commission staff shall serve discovery requests by either express mail, facsimile, hand delivery or e-mail.

DOCUMENT NUMBER-DATE

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Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that parties shall respond to all discovery requests, served on or after the date of issuance of this Order, within 15 days from the date of service, in accordance with the service requirements in this Order.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 9th Day of October, 2002.



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MICHAEL A. PALECKI  
Commissioner and Prehearing Officer

( S E A L )

MKS

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.

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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 the Commission Clerk and Administrative Services, 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.