

ORIGINAL
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Gulf Power Company) Docket No. 891345-EI
for an increase in its Rates and Charges) Filed: March 29, 1990

MOTION TO EXPEDITE DISCOVERY RESPONSES

The Citizens of the State of Florida, through their attorney, the Public Counsel, pursuant to Rule 25-22.034, F.A.C., and Rules 1.340 and 1.350, Florida Rules of Civil Procedure, file this motion to require Gulf Power Company to expedite its responses to the Citizens' seventh set of interrogatories and seventh request for production of documents. Specifically, the Citizens seek responses to this discovery by April 22, 1990. As grounds, the Citizens submit:

1. The discovery for which the Citizens seek expedited responses officially are being filed contemporaneous with this motion. Unless otherwise required by this Commission, the responses to this discovery would be required by May 3, 1990. Rule 25-22.034, F.A.C., coupled with Rules 1.340(a) and 1.350(b), Fla. R. Civ. P., grant the Commission authority to impose an expedited response time. The circumstances surrounding this discovery call for the imposition of an expedited response time.

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2. Pursuant to a previous discovery request, Public Counsel employees and representatives were reviewing documents at Gulf Power headquarters during the week of March 19-23, 1990. As is

DOCUMENT NUMBER-DATE
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often the case with this type of review, a number of follow-up questions arose. On March 23, Charles Rehwinkel, Associate Public Counsel attending the document review, presented a handwritten list of the information sought by the Public Counsel to Mr. Jeffrey Stone. With one exception (Interrogatory 314), that handwritten list is verbatim the same as the discovery sought in the Citizens' seventh set of interrogatories and seventh request for production of documents.

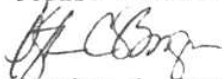
3. The handwritten list was presented to Mr. Stone with the understanding that it would serve as notice that the information was being sought and that a formal request for the same information would follow. The response time for discovery hand delivered on March 23, would be April 22.

4. Requiring the discovery responses by April 22 would allow Gulf thirty days from the time the information was initially sought. It would therefore place no undue burden upon the Utility. The Citizens' testimony is due on May 1, 1990 and the information in question will bear on that testimony.

WHEREFORE, the Citizens of the State of Florida move this Commission to require that Gulf's responses to the Citizens' seventh sets of discovery be expedited to April 22, 1990.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 891345-EI

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail*, hand-delivery**, or by facsimile*** to the following parties on this 29th day of March, 1990.

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