

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase)
in Martin County by SAILFISH POINT)
UTILITY CORPORATION)
_____)

Docket No.: 900816-WS
Submitted for filing:
May 28, 1991

**ORIGINAL
FILE COPY**

UTILITY'S MOTION TO COMPEL
SPOR RESPONSE TO
UTILITY'S FIRST REQUEST FOR PRODUCTION

COMES NOW Sailfish Point Utility Corporation, Petitioner for a rate increase in the above styled proceeding, and in support of its motion states that:

1. On May 10, the Utility filed its First Request for Production to Intervenor Sailfish Point Property Owner's Association (SPOR). On May 24 the Sailfish Point Owners Representatives filed a Response to the Utility's First Request for Production. Copies of the Utility's Request for Production and the SPOR Response are attached hereto.

2. On pages 2 and 3 of the Utility's Request for Production, it is stated:

In Requests 1, 2 and 3 below, Intervenor is specifically requested to identify the page, paragraph, and sentence of any document or thing, and the portion of any chart, graph or other representation in any document or thing, which the Intervenor relies upon and/or claims to be relevant to this proceeding. Otherwise, all parties, the Commission Staff, and the Commissioners would merely be left to guess at the portions of potentially lengthy documents which the Intervenor may seek to rely upon in this proceeding.

3. Intervenor has failed to comply with the foregoing request, and the Utility seeks an Order requiring such compliance.

- ACK _____
- AFA 2 _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1 w/m _____
- LIN 6 _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
05355 MAY 29 1991
PSC-RECORDS/REPORTING

4. The SPOR Intervenor's failure to comply with the Request for Production should not be confused with 1) the Utility counsel's agreement that a second copy of the SPOR exhibits would not need to be produced on June 5, or 2) that the Utility would not object to any of those specific documents on the grounds that they are not originals. All other objections and rights were reserved.

5. On pages 1 and 2 of the SPOR Response, it is stated:

As per telephone conversation with the undersigned counsel for Intervenor and Ben E. Girtman, counsel for the Utility, on May 24, 1991, the Intervenor will not be required to produce on June 5, 1991 any documents, copies of which have already been furnished to counsel for the Utility as attachments or exhibits to the Pre-Filed Testimony of Roger W. Rasmusen.

For clarification, during that phone conversation the undersigned counsel 1) acknowledged receipt of the documents filed as attachments to the Pre-Filed Testimony of Roger W. Rasmusen, and 2) agreed that a second, identical set of exhibits would not need to be produced on June 5. However, counsel did not waive the request for proper reference to, and identification of, the pertinent portions of Intervenor's "1,000 pages" of exhibits.

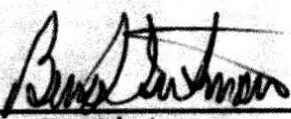
The undersigned counsel also agreed that it would not raise as an objection the fact that any of those particular documents, which the Commission might otherwise admit into evidence, would not be objected to by the Utility on the grounds that the original of the document was not provided by SPOR.

The undersigned counsel furthermore specifically stated that no other objection was waived and, conversely, that all other

objections and positions were reserved.

WHEREFORE, Sailfish Point Utility Corporation requests that the Commission enter its order requiring compliance with the Utility's First Request for Production as set forth in paragraphs 2 and 3 above.

Respectfully submitted this 20th day of May, 1991.



Ben E. Girtman
FL BAR NO.: 186039
1020 East Lafayette Street
Suite 207
Tallahassee, FL 32301
(904) 656-3232

Attorney for
Sailfish Point Utility Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Stephen C. Reilly, Esq.*, Office of Public Counsel, 111 West Madison Street, 812 Claude Pepper Building, Tallahassee, FL 32399-1400, Wm. Reeves King, Esq.*, 500 Australian Avenue So., Suite 600, Clearlake Plaza, West Palm Beach, FL 33401, and Catherine Bedell, Esq.*, Florida Public Service Commission, Division of Legal Services, 101 East Gaines Street, Tallahassee, FL 32399-0873 by U.S. Mail, this 20th day of May, 1991.

* Served via facsimile



Ben E. Girtman

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase) Docket No.: 900816-WS
in Martin County by SAILFISH POINT) Submitted for filing:
UTILITY CORPORATION) May 10, 1991
_____)

SAILFISH POINT UTILITY CORPORATION'S
FIRST REQUEST FOR PRODUCTION TO INTERVENOR
SAILFISH POINT PROPERTY OWNER'S ASSOCIATION
AND CHARLES R. BUCKRIDGE (SPOR)

Sailfish Point Utility Corporation, Petitioner for a rate increase in the above styled proceeding, requests that the Intervenor, Sailfish Point Property Owners Association and Charles R. Buckridge (SPOR), produce for inspection and copying the items listed below at 9:00 a.m. on Wednesday, June 5, 1991, the day of the Preliminary Prehearing Conference in the above styled cause. Such production shall be at the Legal Division Conference Room, Division of Legal Services, Second Floor, Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, FL.

Please note that on February 19, 1991, the Commission issued its Order No. 24136, Order Establishing Procedure, which governs this proceeding. Furthermore, the Florida Rules of Civil Procedure and Rule 25-22.034, Florida Administrative Code, govern discovery. In part, the Order states that, "In addition, when discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within 10 days of service of the discovery request. . . ."

In Requests 1, 2 and 3 below, Intervenor is specifically requested to identify the page, paragraph, and sentence of any document or thing, and the portion of any chart, graph or other

representation in any document or thing, which the Intervenor relies upon and/or claims to be relevant to this proceeding. Otherwise, all parties, the Commission Staff, and the Commissioners would merely be left to guess at the portions of potentially lengthy documents which the Intervenor may seek to rely upon in this proceeding.

YOU ARE REQUESTED TO PRODUCE THE FOLLOWING:

1. All documents or things of any kind or description which you intend to seek to introduce into evidence in the above styled proceeding.

2. All documents or things of any kind or description which you rely upon now, or which you may seek to rely upon at hearing, to support your positions at the hearing in the above styled proceeding.

3. All documents referenced in, or filed with, the Intervenor's prefiled testimony due May 10, 1991.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Wm. Reeves King, Esq.*, 500 Australian Avenue So., Suite 600, Clearlake Plaza, West Palm Beach, FL 33401, Mr. Stephen C. Reilly, Office of Public Counsel, 111 West Madison Street, 812 Claude Pepper Building, Tallahassee, FL 32399-1400, and Catherine Bedell, Esq., Florida Public Service Commission, Division of Legal Services, 101 East Gaines Street, Tallahassee, FL 32399-0873 by U.S. Mail, this 10th day of May, 1991.

* Served via facsimile



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Attorney for Petitioner
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