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July 20, 1992

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

ORIGINAL
FILE COPY

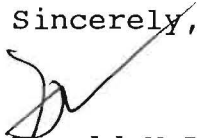
Re: Docket No. 920199-WS

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of Citizens' Petition for Reconsideration of Order PSC-92-0638-PCO-WS (Order Establishing Procedure).

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,


Harold McLean
Associate Public Counsel

Enclosure

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG 10/17
- LIN 4
- CPC
- RCH
- SEC
- W'S
- OTH

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07866 JUL 20 1992

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate increase in)
Brevard, Charlotte/Lee, Citrus, Clay,)
Duval, Highlands, Lake, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, Volusia, and)
Washington Counties by SOUTHERN)
STATES UTILITIES, INC.; Collier)
County by MARCO SHORES UTILITIES)
(Deltona); Hernando County by)
SPRING HILL UTILITIES (Deltona);)
and Volusia County by DELTONA)
LAKES UTILITIES (Deltona))

Docket No. 920199-WS

Filed: July 20, 1992

PETITION FOR RECONSIDERATION OF ORDER PSC-92-0638-PCO-WS
(ORDER ESTABLISHING PROCEDURE)

The Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel, Interveners in this docket, (Citizens) petition the Florida Public Service Commission (commission) to reconsider order PSC-92-0638-PCO-WS, (Order Establishing Procedure), issued under the authority of the pre-hearing officer, Commissioner Betty Easley, because of two of its provisions:

1. That the meeting held on June 25, 1992, resulted in an agreement which required Southern States Utilities, Inc. (SSU) to file responses for the balance¹ of the Citizens' discovery requests on August 7, or August 12, 1992, depending upon conditions not relevant here.

¹ "balance" here was meant to denote those discovery requests to which SSU did not lodge objection.

The Agreement as recited in the order is correct except as to the responses to the *first* set of interrogatories and request for production of documents: a response to those items² was to be provided by SSU on *July 22, 1992*.

2. That the Citizens' June 2, 1992 motion to permit additional discovery was mooted by the June 25, 1992 agreement.

To the contrary, the Citizens' June 2 motion was not discussed in the context of the agreement. The additional discovery issue was addressed in SSU's June 12, response to the June 2 motion, and then again by SSU in its July 2 motion for protective order; in each of those instances, SSU suggested that interrogatories be limited to 200 and production of documents be limited to 100. The Citizens responded to that suggestion on July 10, 1992 as follows:

(1) NUMERICAL RESTRICTION ON INTERROGATORIES

Without alleged or proven reason, SSU simultaneously filed for rate relief for one hundred and twenty-seven (127) water and sewer systems in the State of Florida, each and any of which could have (and the Citizens say *should* have) been filed separately. Had each been filed separately, the Citizens would have been entitled to propound 30 interrogatories for each of the systems, or 3810 interrogatories. The Citizens believe, and urge the Commission to find, that SSU's suggested 200--or 1.5748 per system--is too modest an allowance to serve the interests of due process.

(2) NUMERICAL RESTRICTION ON REQUESTS FOR PRODUCTION OF DOCUMENTS

With respect to SSU's request that the Citizens be restricted to 100 request for production of documents: were the Commission to so hold, the Citizens would be limited to 0.7874 requests for production for each system which might seem, even to the most casual of observers, inadequate.

² "items" meaning those to which no objection was lodged.

Order PSC-92-0638-PCO-WS, for which the Citizens now petition reconsideration, was issued the same day and thus without consideration of the Citizens' substantive position on the issue. Order PSC-92-0638-PCO-WS permits 7.8 interrogatories and 3.9 requests for production per system, which is far fewer than the Citizens would have been permitted had the systems been filed separately. If allowed to stand, the order deprives the Citizens of the opportunity for complete discovery which due process requires. Moreover, if allowed to stand, Order PSC-92-0638-PCO-WS, renders the Citizens' point of entry into the administrative process meaningless.

WHEREFORE, the Citizens petition for reconsideration of Order PSC-92-0638-PCO-WS, and petition the commission to enter an order which recognizes SSU's obligation to file responses to the Citizens' first set of interrogatories and first set of requests for production of documents on July 22, 1992; and which permits the filing of 30 interrogatories per system; and which applies the same limit on requests for

production of documents as the Florida Rules of Civil Procedure (Which, for purposes of discovery, are adopted by commission rule.)

Respectfully submitted,



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Attorney for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 920199-WS**


I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 20th day of July, 1992.

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