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August 3, 1992

REPLY TO: Tallahassee

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

HAND DELIVERY ORIGINAL FILE COPY

Re: FPSC Docket No. 920199-WS

Dear Mr. Tribble:

Enclosed herewith for filing in the above-referenced docket are the original and fifteen copies of Southern States' Motion for Protective Order Directed to Public Counsel's Fifth Set of Interrogatories and Fourth Set of Requests for Production of Documents.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

*Kenneth A. Hoffman*  
Kenneth A. Hoffman

Enclosures  
cc: Brian P. Armstrong, Esq.

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Enclosures  
cc: Brian P. Armstrong, Esq.  
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SEC  
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
08533 AUG -3 1992  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southern States Utilities, Inc. and Deltona Utilities, Inc. for Increased Water and Wastewater Rates in Citrus, Nassau, Seminole, Osceola, Duval, Putnam, Charlotte, Lee, Lake, Orange, Marion, Volusia, Martin, Clay, Brevard, Highlands, Collier, Pasco, Hernando, and Washington Counties.

Docket No. 920199-WS  
Filed: August 3, 1992

SOUTHERN STATES' MOTION FOR PROTECTIVE ORDER DIRECTED TO PUBLIC COUNSEL'S FIFTH SET OF INTERROGATORIES AND FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: HONORABLE BETTY EASLEY  
Commissioner and Prehearing Officer  
101 East Gaines Street  
Tallahassee, Florida 32399

SOUTHERN STATES UTILITIES, INC. and DELTONA UTILITIES, INC. (hereinafter referred to collectively as "Southern States"), by and through its undersigned counsel, and pursuant to Rule 25-22.034, Florida Administrative Code, Rule 1.280(c), Florida Rules of Civil Procedure, and Order No. PSC-92-0638-PCO-WS ("Order Establishing Procedure"), hereby files its objections and motion for protective order relieving Southern States of any duty to respond to certain interrogatories contained in the OFFICE OF PUBLIC COUNSEL'S ("Public Counsel") Fifth Set of Interrogatories and certain document requests contained in Public Counsel's Fourth Set of Requests for Production of Documents. In support of its Motion for Protective Order, Southern States states as follows:

1. Rule 25-22.034, Florida Administrative Code, provides that parties to Commission proceedings "may obtain discovery through the means and in the manner provided in Rules 1.280 through

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1.400, Florida Rules of Civil Procedure. Under Rule 1.280(c), Florida Rules of Civil Procedure, a party may seek a protective order requiring that discovery not be had or take place only on specified terms or conditions.

2. The Order Establishing Procedure issued in this docket (Order No. PSC-92-0638-PCO-WS) provides, at page 1:

When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery requests, the objection or request for clarification shall be made within ten days of service of the discovery requests.

This provision of the Order Establishing Procedure modifies the otherwise applicable time period for objections and requests for clarification provided in the Florida Rules of Civil Procedure.

3. On July 17, 1992, Public Counsel served its Fifth Set of Interrogatories and Fourth Set of Requests for Production of Documents by United States Mail. This Motion for Protective Order is timely filed in compliance with the above-stated provisions of the Order Establishing Procedure and Rule 25-22.028(4), Florida Administrative Code, which permits five additional days to respond to a document served by United States Mail.

**Public Counsel's Fifth Set of Interrogatories**

4. Interrogatory No. 279(c) provides as follows:

For each system, indicate how often each lift station was cleaned and pumped during the test year, 1989, 1990, and 1992.

Southern States objects to the production of projected 1992 data which is not "known and quantifiable".

Public Counsel's Fourth Set of Requests for Production

5. Public Counsel has failed to consecutively number its document requests (following prior sets) as required by the Order Establishing Procedure.

6. Document Request No. 1 provides:

(1) Provide documents showing the derivation of Minnesota Power and Light Company's and the Topeka Group's consolidated financial statements for the year 1990 and 1991. These documents should include, but are not limited to, the workpapers showing the trial balance or balance sheet and income statements of each subsidiary and the applicable consolidating adjusting entries and all related notes, adjustments and eliminations used to calculate the system-wide consolidated financial statements.

Southern States objects and requests clarification of Document Request No. 1. Document Request No. 1 appears to request 1990 and 1991 consolidated financial statements (and supporting workpapers and other data) of Minnesota Power and Light Company and Topeka Group, Inc. Southern States is not aware of any consolidated financial statements consisting only of Minnesota Power and Light Company and Topeka Group, Inc.

7. Document Request Nos. 2 and 4 provide:


(2) Please provide copies of all rating agency reports dealing with the Company, the Topeka Group and Minnesota Power and Light Company issued from 1990 forward.

(4) Provide a copy of any S&P, Moody's, Duff & Phelps, and Finch published documents which set forth factors taken into consideration when rating bonds of water and wastewater utilities.

Southern States objects to production of any of the above-described documents which are not in its possession and which are just as easily available to Public Counsel. Southern States will produce to Public Counsel all documents responsive to Document Request Nos. 2 and 4 which are in Southern States' possession.

WHEREFORE, for the foregoing reasons, Southern States requests that the Prehearing Officer enter a protective order relieving Southern States of any duty to respond to the above-numbered and described interrogatories and requests for production of documents served by Public Counsel.

Respectfully submitted,

  
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and

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1000 Color Place  
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(407) 880-0058

Attorneys for Applicant Southern  
States Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States' Motion for Protective Order Directed to Public Counsel's Fifth Set of Interrogatories and Fourth Set of Requests for Production of Documents was furnished by U. S. Mail, this 3rd day of August, 1992, to the following:

Harold McLean, Esq.  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400

Matthew Feil, Esq.  
Catherine Bedell, Esq.  
Florida Public Service Commission  
Division of Legal Services  
101 East Gaines Street  
Room 226  
Tallahassee, Florida 32399

By:   
KENNETH A. HOFFMANN, ESQ.