



**STATE OF FLORIDA**  
**OFFICE OF THE PUBLIC COUNSEL**

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-488-9330

**JACK SHREVE**  
PUBLIC COUNSEL

October 13, 1992

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

RE: Docket No. 920199-WS

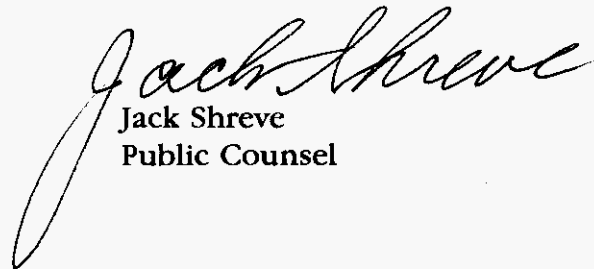
Dear Mr. Tribble:

Enclosed for filing are the original and fifteen copies of the Citizen's Response to Southern States' Motion For Protective Order.

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

ACK ✓  
AFA 1  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CAM \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 1  
LIR 2  
OPB \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
OFF \_\_\_\_\_

Sincerely,



Jack Shreve  
Public Counsel

JS/cb  
Enclosure

RECORDED & FILED  
OCT 13 1992

DOCUMENT NUMBER-DATE  
12029 OCT 13 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: October 13, 1992

CITIZENS' RESPONSE TO SOUTHERN STATES'  
MOTION FOR PROTECTIVE ORDER

The Citizens of the State of Florida, by and through their undersigned attorney, file this response to Southern States Utilities, Inc.'s (Southern States, utility or company) Motion for Protective Order regarding Public Counsel's notice of deposition of Karla Teasley and Brian Armstrong, and state:

1. The company in its motion for protective order states that Karla Teasley, Vice President and General Counsel for Southern States was not available to be deposed on October 13, 1992, as noticed by the Citizens. The company, however, indicated that Ms. Teasley would be made available for a deposition on October 23, 1992. Unless another mutually acceptable time is agreed to by the parties the Citizens agree to hold Ms. Teasley's deposition on October 23, 1992, at the company's offices in Apopka,

Florida, at a time to be mutually agreed to by both parties.

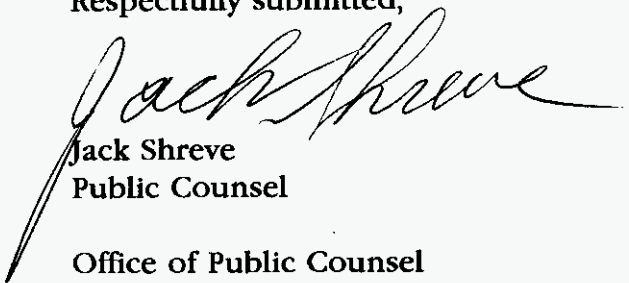
2. Citizens scheduling of Brian Armstrong's deposition was not made for the purpose of causing annoyance, embarrassment, oppression, undue burden or expense to Southern States. The Citizens are aware that Mr. Armstrong is co-counsel of record, and we are not scheduling his deposition with any intention of attempting to disqualify Mr. Armstrong from appearing as co-counsel for the utility. In fact we hereby stipulate that we have no intention of seeking Mr. Armstrong's disqualification as counsel for the company.

3. In its motion the company alleges that all of the activities and communications involving Mr. Armstrong in this rate case are protected by the attorney-client and/or work product privileges. The company alleges that there is no legitimate reason for the Citizens to depose Mr. Armstrong. However, the Citizens do not intend to inquire into matters which are protected by the attorney-client or work product privileges. If a question calls for an answer Southern States considers to be privileged, and the witness does not wish to answer the question, counsel for the utility can raise the objection and instruct the witness not to answer the question. The subject matter of the questions intended for Mr. Armstrong do not involve any communication with or work product for his client. The facts which are known to Mr. Armstrong are not privileged and may lead to

information which will be relevant to one or more issues involved in the rate case.

WHEREFORE, the Citizens move this Commission to deny Southern States' Motion for Protective Order to prohibit the Citizens' from deposing Brian Armstrong. The Citizens should be permitted to depose Mr. Armstrong pursuant to the understanding stated above.

Respectfully submitted,



Jack Shreve  
Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Attorneys 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 13th day of October, 1992.**

**KEN HOFFMAN, ESQUIRE**  
Messer, Vickers, Caparello, Madsen,  
Lewis, Goldman & Metz  
215 S. Monroe St., Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876

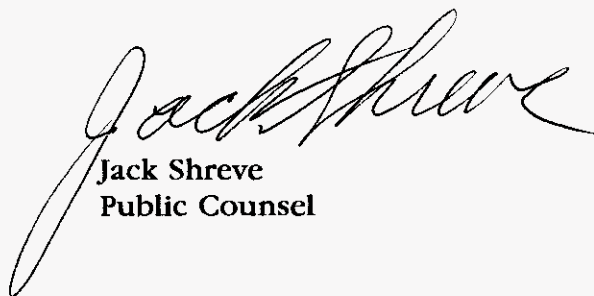
**MATT FEIL**  
Divion of Legal Services  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

**CHUCK HILL**  
Division of Water & Sewer  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

**BRIAN ARMSTRONG, ESQUIRE**  
Southern States Utilities  
General Offices  
1000 Color Place  
Apopka, FL 32703

**HARRY C. JONES, P.E. PRESIDENT**  
Cypress and Oak Villages Assn.  
91 Cypress Boulevard West  
Homosassa, FL 34446

**MICHAEL MULLIN, ESQUIRE**  
Nassau County Board of County  
Commissioners  
P.O. Box 1563  
Fernandina Beach, FL 32034

  
Jack Shreve  
Public Counsel