



JACK SHREVE  
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STATE OF FLORIDA  
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c/o The Florida Legislature  
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April 7, 1994

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Re: Docket No. [REDACTED]

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceedings on behalf of the Citizens of the State of Florida are the original and 15 copies of the Citizens' Emergency Petition for Reconsideration of Order Establishing Procedure.

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

- ACK
  - AFA
  - APP
  - CAF
  - CMH
  - CFR
  - EAG
  - LEG
  - LIN
  - OPC
  - ROH
  - SEC
  - WAB
  - OTH
- Enclosures

RECEIVED & FILED

*max*  
DIVISION OF RECORDS

Sincerely,

Harold McLean  
Associate Public Counsel

DOCUMENT NUMBER-DATE

03317 APR-7 94

FPCC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Interim and )  
Permanent Rate Increase in )  
Franklin County, Florida by )  
ST. GEORGE ISLAND UTILITY )  
COMPANY, LTD. )  
\_\_\_\_\_ /

DOCKET NO. 940109-WU

Filed: April 7, 1994

To: Prehearing Officer  
Commissioner Julia L. Johnson

EMERGENCY PETITION FOR RECONSIDERATION  
OF ORDER ESTABLISHING PROCEDURE

The Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel (Citizens), petition for reconsideration of order PSC-94-0320-PCO-WU, Order Establishing Procedure (order) and say as follows:

1. On March 21, 1994, the prehearing officer issued the referenced order restricting interrogatories to 50, requests for production of documents to 75, and requests for admissions

to 75.

2. The restriction essentially curtails the Citizens' inquiry into the case and renders its point of entry into the administrative process ineffective and meaningless.
3. The discovery permitted by the order is woefully inadequate and is considerably less than half that permitted in the immediately preceding SGU case<sup>1</sup>--a case of demonstrably *less* complexity.
4. Rule 25-22.034, Florida Administrative Code provides:  
  
Discovery--Parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure. The presiding officer may issue appropriate orders *to effectuate the purposes of discovery* and to prevent delay and may impose appropriate

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<sup>1</sup> See Docket No 930770-WU, order No PSC-93-1495-PCO-WU, issued October 13, 1993.

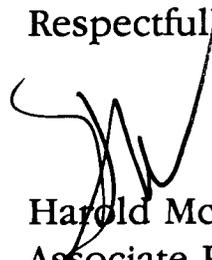
sanctions under Rule 1.380, Florida Rules of Civil Procedure, except that such sanctions may not include contempt or the award of expenses unless specifically authorized by statute. Sanctions may also include dismissal under Rule 25-22.042. (italics provided)

The order establishing procedure does not effectuate the purposes of discovery, it virtually eliminated discovery as a meaningful tool to the Citizens. It is significant to note that while the referenced Florida Rules of Civil Procedure provide absolutely no limit on requests for production of documents or requests for admission, the order establishing procedure does. The purposes for which the Commission adopted the discovery rules from Florida Rules of Civil Procedure are inexplicably frustrated, upon the instance of no party before the Commission.

WHEREFORE, the Citizens of the State of Florida Petition the prehearing officer to issue an amended order establishing procedure eliminating limitation on requests for production of documents,

eliminating the limitation on requests for admission, and permitting  
250 interrogatories, including subparts.

Respectfully submitted,



Harold McLean  
Associate Public Counsel

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c/o The Florida Legislature  
111 West Madison Street  
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1400

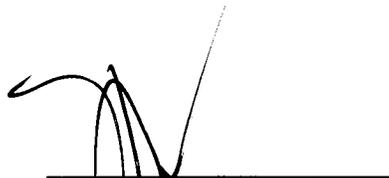
Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 940109-WU**

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 7th day of April, 1994.

José Lorenzo  
Division of Legal Services  
Florida Public Service Commission  
101 E. Gaines St.  
Tallahassee, FL 32301

Gene D. Brown, Esq.  
3848 Killearn Court  
Tallahassee, FL 32308



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Harold McLean  
Associate Public Counsel