



JACK SHREVE
PUBLIC COUNSEL

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

ORIGINAL
COPY

April 11, 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] U

Dear Ms. Bayo:

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' Second Motion to Compel.

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 _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1 w/101
- LIN 4
- OPC _____
- ROM _____
- SOC 1
- WAS 1
- OTH _____

Enclosures

Sincerely,

[Signature]
Harold McLean
Associate Public Counsel

RECEIVED & FILED
was
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

03400 APR 11 8

FPSC-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 11, 1994

To: Prehearing Officer
Commissioner Julia L. Johnson

CITIZENS' SECOND MOTION TO COMPEL

The Citizens of the State of Florida (Citizens) by and through JACK SHREVE, Public Counsel, move the prehearing officer under the provisions of Rule 1.380(a)(2) Fla. R. Civ. P. to enter her order compelling ST. GEORGE ISLAND UTILITY COMPANY, LTD. (SGU) to comply forthwith with discovery and show that:

- 1. On February 11, 1994, the Citizens filed Interrogatories and requests for production of documents upon SGU, the responses to which were due March 14, 1994.
- 2. In Production of Documents Number 25, the Citizens requested SGU to: "Provide a copy of all correspondence between the company and its consultants dealing with the instant rate case."
- 3. On March 21, 1994, the utility responded in a memorandum, attached as

Exhibit A, that there were no documents responsive to this request.

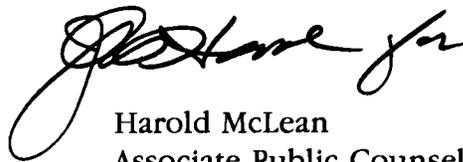
4. On April 7, 1994, the Citizens deposed Mr. Frank Seidman a consultant for St. George Island Utility. During that deposition, a least one document was identified as being responsive to the Citizens document request 25--a 15 page memo from Mr. Gene Brown to Mr. Frank Seidman, dated January 18, 1994. The substance of the memo was described as being a description of the proforma adjustments requested in the instant rate case. A possible second memo was also addressed during the same deposition¹. St. George Island Utility Company, Ltd., asserted in the deposition that the documents would not be produced, as a late filed deposition exhibit, because they are allegedly subject to attorney client privilege.
5. St. George Island Utility Company, Ltd., failed to properly and timely object to the Citizens document request 25. SGU failed to even identify the documents requested in the Citizens document request 25. SGU has waived its right to object to the documents responsive to the Citizens' document request 25.
6. The failure of SGU to comply with discovery is characteristic of its prior behavior in this docket as well as Dockets: No. 930770-WU, No. 920318-

¹ Since the date of this deposition is April 7, 1994, the transcript is not available as of this writing.

WU, and No. 920782-WU.

WHEREFORE, the Citizens of the State of Florida, move the prehearing officer for an order compelling ST. GEORGE ISLAND UTILITY COMPANY, LTD. to provide the referenced documents forthwith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harold McLean", written in a cursive style.

Harold McLean
Associate Public Counsel

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

Attorney for the Citizens
of the State of Florida

3848 Killearn Court
Tallahassee, Florida 32308
(904) 668-0440 • (904) 927-2648

MEMO

TO: Kim
FROM: Sandy *SMC*
DATE: 3/21/94
RE: Docket No. 940109-WU - OPC First Request for Production

The remaining documents are here with the exception of the following:

No. 25. There are none.

No. 26 is partial. More invoices are expected. Invoices that are dated prior to November 23, 1993 are for rate case that was dismissed. Invoices dated after November 23, 1993 are for instant rate case.

No. 33. Mr. Coloney will locate June 10, 1992 letter for us. As soon as we get it, we will give you a copy.

No. 37. We have not been able to locate. Will continue to look and if found will provide later.

No. 59. Updated costs provided on 3/21/94. Will provide initial cost documentation as soon as we can get it itemized.

smc

**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 11th 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


Harold McLean
Associate Public Counsel