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STATE OF FLORIDA
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ORIGINAL
FILE COPY

June 28, 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 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' 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 _____
- AGA _____
- AGD _____
- OTF _____
- OTG _____
- Enclosures
- ETD _____
- LE Pierson
- LT 3
- OT _____
- OTB _____
- OTC 1
- OTD Willis
- OTH _____

Sincerely,

[Signature]
Harold McLean
Associate Public Counsel

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
06386 JUN 28 1994
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Interim and) DOCKET NO. 940109-WU
Permanent Rate Increase in)
Franklin County, Florida by) Filed June 28, 1994
ST. GEORGE ISLAND UTILITY)
COMPANY, LTD.)
_____ /

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 an order compelling ST. GEORGE ISLAND UTILITY COMPANY, LTD. (SGU) to comply forthwith with discovery and show that:

1. On March 4, 1994, the Citizens served a second set of Request for Production of Documents on SGU.
2. On March 25, 1994, the Citizens served a third set of Request for Production of Documents on SGU.
3. On March 31, 1994, SGU objected to both sets on grounds that they exceeded the limitation on discovery established in the Order Establishing Procedure which was issued on March 21, 1994.
4. On April 7, 1994, the Citizens filed an Emergency Motion for Reconsideration of the Order Establishing Procedure, asking, among other things, the

Commission to expand the permissible number of Requests for Production of Documents.

5. More than a month later, the Commission issued Order No. PSC-94-0571-CFO-WU which generally addressed discovery and specifically expanded the permissible number of Requests for Production of Documents.
6. Order No. PSC-94-0571-CFO-WU, by its own terms, mooted the objection of SGU and rendered the requested documents subject to production immediately.
7. SGU has had since March 4, 1994--nearly five months--to gather the requested documents.
8. The documents are dismally overdue.
9. The effectiveness of the Citizens point of entry into the administrative process is seriously eroded by the lack of compliance with discovery and by the failure of the Commission to timely enforce discovery.

WHEREFORE, the Citizens of the State of Florida move the Commission for an immediate order compelling SGU to produce the requested documents on pain of dismissal of their rate application.

Respectfully submitted,



Harold McLean
Associate Public Counsel

Office of Public Counsel
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111 West Madison Street
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Attorney for the Citizens
of the State of Florida

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

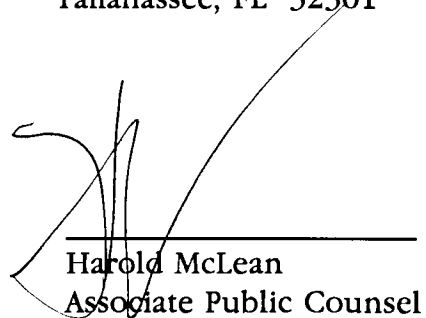
I HEREBY CERTIFY that a correct copy of the foregoing has been furnished
by U.S. Mail or *hand-delivery to the following parties on this 28th day of June, 1994.

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