BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into   ) DOCKET NO. 930945-WS
Florida Public Service   ) ORDER NO. PSC-95-0096-PCO-WS
Commission jurisdiction over   ) ISSUED: January 18, 1995
SOUTHERN STATES UTILITIES, INC.   )
in Florida.   )
_____)

ORDER GRANTING MOTION
FOR PROTECTIVE ORDER

On December 9, 1994, Hillsborough County (Hillsborough or the County) served its first set of interrogatories and first request for production of documents upon Southern States Utilities, Inc. (SSU), in the above-styled cause. On December 19, 1994, SSU filed an objection to Hillsborough's discovery requests and a motion for a protective order therefrom. The County did not respond to SSU's objection and motion and the time for doing so has expired.

The County's discovery requests all concern alleged breaks in, or cavitations near, SSU lines in Hillsborough County. SSU argues that such information is neither relevant to the jurisdictional matters at issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. In support of its argument for a protective order, SSU cites Krypton Broadcasting v. MGM-Pathe Communications Co., 629 So.2d 852, 854, (Fla. 1st DCA 1994), which states that "[i]t is axiomatic that information sought in discovery must relate to the issues involved in the litigation...." SSU further cites Cazares v. Calderbank, 435 So.2d 377 (Fla. 5th DCA 1983), for the proposition that, if a logical connection between the information sought and the issues is not readily apparent, the questioner should point out to the court how the information sought is reasonably calculated to lead to the discovery of admissible evidence.

Upon review of the discovery requests, it is not readily apparent, and the County made no attempt to illustrate, how the information is reasonably calculated to lead to the discovery of admissible evidence. SSU's motion for a protective order is, therefore, granted.

It is, accordingly,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the motion by Southern States Utilities, Inc. for an

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order protecting it from the discovery requests of Hillsborough County is granted.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 18th day of January , 1995 .
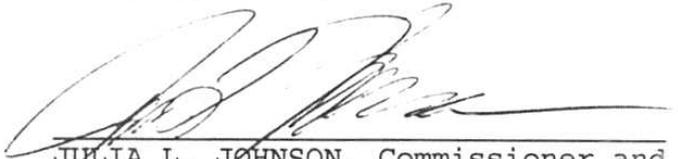
JULIA L. JOHNSON, Commissioner and Prehearing Officer

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.