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July 31, 1995

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Southern States Utilities, Inc. is an original and fifteen copies of Southern States Utilities, Inc.'s Response to Office of Public Counsel's Motion to Permit Additional Interrogatories.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

Kenneth A. Hoffman

KAH/rl

cc: All Parties of Record

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AFA ✓  
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DOCUMENT NUMBER-DATE  
07241 JUL 31 95  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by )  
Southern States Utilities, )  
Inc. for rate increase and )  
increase in availability )  
charges for Orange-Osceola )  
Utilities, Inc. in Orange )  
County, and in Bradford, )  
Brevard, Charlotte, Citrus, )  
Clay, Collier, Duval, )  
Highlands, Lake, Lee, Marion, )  
Martin, Nassau, Orange, )  
Osceola, Pasco, Putnam, )  
Seminole, St. Johns, St. )  
Lucie, Volusia, and )  
Washington Counties )  
\_\_\_\_\_ )  
)

Docket No. 950495-WS

Filed: July 31, 1995

**SOUTHERN STATES UTILITIES, INC.'S RESPONSE  
TO OFFICE OF PUBLIC COUNSEL'S MOTION  
TO PERMIT ADDITIONAL INTERROGATORIES**

Southern States Utilities, Inc. ("SSU"), by and through its undersigned counsel, and pursuant to Rule 25-22.037(2), Florida Administrative Code, hereby files its response to the Office of Public Counsel's Motion to Permit Additional Interrogatories, served July 18, 1995. In response to said Motion, SSU states as follows:

1. SSU does not object to the Prehearing Officer's granting the request of the Office of Public Counsel ("OPC") to serve SSU with more than the 30 interrogatories permitted under Rule 1.340(a) of the Florida Rules of Civil Procedure, provided the Prehearing Officer limit discovery to 500 interrogatories, including subparts (numbered or otherwise) and 350 document production requests, including subparts (numbered or otherwise).

2. Numeric expansions and limitations on discovery rest

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within the sound discretion of the Prehearing Officer.

3. In exercising that discretion, the Prehearing Officer should balance the interest which OPC cites, that of granting liberal discovery to refine the issues in the case, against the need to encourage parties to conduct discovery in an efficient manner. SSU believes its proposal strikes the proper balance.

4. The Prehearing Officer should consider that in approximately one hundred Orders Establishing Procedure issued between April 1993 and May 1995 (as revealed by a computer database search), interrogatories and/or document production requests were in the vast majority of cases capped at 100 or less. In only a limited number of the cases did the Commission allow more than 200 interrogatories and/or document production requests. A listing of those cases is attached hereto and marked Exhibit A. In none of the orders cited were more than 500 interrogatories and/or document production requests allowed.

5. In Docket No. 920199-WS, SSU's last consolidated rate case involving 127 water and wastewater facilities, the Commission set discovery limits of 1,000 interrogatories, including subparts, and 500 document production requests, including subparts. SSU submits that Docket No. 920199-WS presented a unique situation, and the Prehearing Officer should bear in mind the following factors when comparing that case to the instant case:

a. For many of the facilities involved in Docket No. 920199-WS, the Commission had not established rate base or granted rate relief in a considerable number of years; whereas in this

case, only a handful of facilities have not had rate base established or been granted rate relief within the last four years.

b. Issues litigated in Docket No. 920199-WS and in Docket No. 930880-WS<sup>1</sup> should not be relitigated in this case, and, hence, the need for discovery should be mitigated.

c. As demonstrated by the cases listed in Exhibit A, the Commission has moved toward encouraging efficient use of discovery. In this case, as in SSU's past rate cases, SSU expects that OPC will engage in comprehensive depositions of SSU's witnesses which should eliminate the need for excessive amounts of interrogatories.

6. If a party requires discovery in excess of SSU's proposed cap, the party may move the Prehearing Officer to allow additional discovery. That party should have the burden of showing that such additional discovery is necessary and that the discovery it has already conducted has not been profligate.

7. SSU will make a good faith attempt to respond or object to the several hundred interrogatories and document requests OPC has already served on SSU within the lawful schedules for responses and objections.<sup>2</sup>

WHEREFORE, Southern States Utilities, Inc. requests that if the Prehearing Officer grants the Office of Public Counsel's Motion

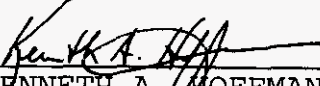
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<sup>1</sup>In re: Investigation into Appropriate Rate Structure for Southern States Utilities, Inc.

<sup>2</sup>At this time, no official date of filing for this case has been declared and no Order Establishing Procedure has been issued. The proper schedule for responses and objections may therefore be subject to debate.

to Permit Additional Interrogatories that the extent of interrogatories and requests for production be limited as forth herein.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

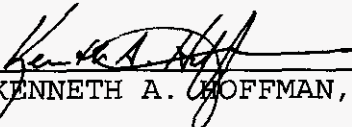
I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 31st day of July, 1995:

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KENNETH A. HOFFMAN, ESQ.

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**EXHIBIT A**  
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Interrogatories/ Document Request Caps	Docket No.	Docket Title (Abbreviated)	Order No.	Issued Date
500/500	930046-TP	Investigation of Effectively Competitive Local Exchange Co. Services	PSC-95-0511-PCO-TP	4/26/95
500/500	940880-TP	Investigation of Statewide Average Message Toll Service Rates of Interexchange Carriers and Local Exchange Companies	PSC-95-0413-PCO-TP	3/24/95
500/500	941272-TL	Petition for Approval of Numbering Plan Area Relief for 305 Area Code by Southern Bell	PSC-95-0372-PCO-TL	3/15/95
500/500	930986-TP	Petition for Waiver of Rule 25- 24.620(2)(c) & (d) by Tele-Madick Corp.	PSC-94-1560-PCO-TL	12/14/94
300/100	940620-GU	Florida Public Utilities Company Rate Case	PSC-94-1485-PCO-GU	12/2/94
300/300	940275-TL	Request for Approval of Customer List Services Tariff for IXC's by Southern Bell	PSC-94-0948-PCO-TL	8/2/94
500/500	940235-TL	Investigation Into Rates for Interconnection of Mobile Service Providers With LEC Facilities	PSC-94-0881-PCO-TL	7/20/94
500/500	930330-TP	Investigation Into Intra LATA Pre- subscription	PSC-94-0689-PCO-TP	6/7/94
500/500	930485-TL	Generic Investigation Into Proper Regulatory Treatment of Inside Wire	PSC-94-0538-PCO-TL	5/9/94
500/300	920918-TL	Fox Ridge Subdivision Homeowners Association Petition to Change Tampa-North Boundary to Include Country Crossing	PSC-94-0474-PCO-TL	4/20/94
500/500	921074-TP, 930955-TL, 940014-TL, 940020-TL	Local Transport Tariffs of Florida LECs	PSC-94-0076-PCO-TL	1/21/94

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300/200	930548-EG, 930549-EG, 930550-EG, 930551-EG	Adoption of Numeric Conservation Goals for Florida IOUs	PSC-93-0953-PCO-EG	6/28/93
300/300	921074-TP	Petition of Intermedia Communications of Florida for Expanded Interconnection for AAVs Within LEC Central Offices	PSC-93-0811-PCO-TP	5/26/93
300/300	921250-TI	Show Cause Proceedings Against Cherry Communications for Violation of Rule 25-41.118	PSC-93-0640-PCO-TI	4/23/93