

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Application for rate increase) DOCKET NO. 950495-WS
and increase in service) ORDER NO. PSC-95-0943-PCO-WS
availability charges by Southern) ISSUED: August 4, 1995
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola 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.)

ORDER GRANTING MOTION TO PERMIT ADDITIONAL INTERROGATORIES

AND

ORDER ON DISCOVERY

On June 28, 1995, Southern States Utilities, Inc., (SSU or utility) filed an application for increased water and wastewater rates, allowance for funds prudently invested, and service availability charges. An official filing date has not been established at this time. Therefore, an order establishing procedure, which would set forth controlling dates, discovery requirements, and other procedural matters has not been issued.

On July 18, 1995, the Office of Public Counsel (OPC) filed a Motion to Permit Additional Interrogatories. In its motion, OPC states that SSU's application is voluminous and complex, and requests that the Commission permit OPC to exceed 30 interrogatories in order to conduct proper discovery. On that same date, OPC served SSU with a first set of interrogatories containing 175 questions, including subparts, and a first request for production of documents listing 156 documents. On July 24, 1995, OPC filed a second set of interrogatories and requests for production, each containing four questions.

On July 31, SSU filed a timely response to OPC's motion. SSU states that it does not object to the Commission permitting more than 30 interrogatories, provided that discovery be limited to 500 interrogatories, including subparts, and 350 requests for production of documents, including subparts. While recognizing the prehearing officer's discretion in this matter, SSU urges that granting liberal discovery should be balanced with the need to encourage parties to conduct efficient discovery.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Rule 1.340(a) of the Florida Rules of Civil Procedure limits parties to 30 interrogatories, including subparts, unless a party moves to exceed that number and demonstrates good cause. This Commission regularly permits parties to exceed that number when the scope of a proceeding is complex. Given the volume and complexity of SSU's application, OPC's Motion to Permit Additional Interrogatories is hereby granted. Set forth below are the discovery procedures which shall govern this proceeding.

When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

All interrogatories, requests for admissions, and requests for production of documents shall be numbered sequentially in order to facilitate their identification. The discovery requests will be numbered sequentially within a set and any subsequent discovery requests will continue the sequential numbering system. Unless subsequently modified by the Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to 1000, and requests for production of documents, including all subparts, shall be limited to 500. Requests for admissions shall be limited to 200.

Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential, pursuant to Section 367.156, Florida Statutes. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time period set forth in Section 367.156, Florida Statutes.

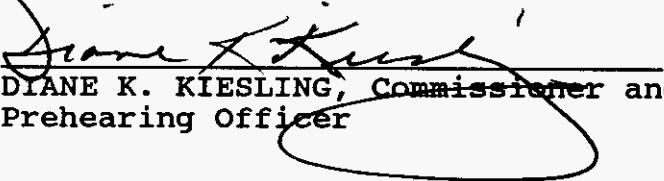
Based upon the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Office of Public Counsel's Motion to Permit Additional Interrogatories is granted. It is further

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ORDERED that the provisions of this Order shall govern in this proceeding unless modified by the Commission.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 4th day of August, 1995.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

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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.