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c/o The Florida Legislature  
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ORIGINAL  
FILE COPY

August 31, 1995

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' First Motion to Compel and First Motion to Postpone Date for Filing Intervenor Testimony and Citizens' Request for Oral Argument.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

- ACK
- AFA 3
- APP \_\_\_\_\_
- CAF CJB:bsr
- CMU \_\_\_\_\_
- CTR Enclosures
- EAG \_\_\_\_\_
- LEG 1
- LIN 5
- CPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS Willis
- OTH \_\_\_\_\_

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FPSC-RECORDS/REPORTING

Ray O/A      Melvin  
DOCUMENT NUMBER-DATE      DOCUMENT NUMBER-DATE  
08545 AUG 31 88      08544 AUG 31 88  
FPSC-RECORDS/REPORTING      FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate  
increase 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 by Southern States  
Utilities, Inc.

Docket No. 950495-WS

Filed: August 31, 1995

CITIZENS' FIRST MOTION TO COMPEL AND FIRST MOTION TO  
POSTPONE DATE FOR FILING INTERVENOR TESTIMONY

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Commission to compel Southern States Utilities, Inc. ("SSU") to immediately answer the Citizens' interrogatories numbered 6, 8, 13, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 39, 42, 43, 44, 45, 48, 50, 51, 53, 60, 61, 63, 68, 69, 71, 74, 75, 76, 77, 80, 81, 83, 85, 87, 88, 89, 94, 98, and 99, and to immediately produce each document responsive to Citizens' requests for production of documents numbered 4, 9, 10, 12, 15, 28, 31, 36, 46, 49, 50, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 81, 84, 85, 87, 89, 92, 95, 96, 98, 100, 101, 105, 106, 107, 109, 110, 115, 117, 120, 122, 124, 125, 126, 128, 129, 130, 131, 133, 135, 145, 148, 149, 150, 151, 152, 153, 158, 159, and 160. In addition, the Citizens request the Commission to postpone, on a day-for-day basis, the filing date for intervenor testimony for each day SSU fails to satisfy these discovery requests.

-1-

DOCUMENT NUMBER-DATE

08544 AUG 31 95

FPSC-RECORDS/REPORTING

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1. The Citizens served our first set of requests for production of documents and first set of interrogatories on Tuesday, July 18, 1995. Responses were due on Tuesday, August 22, 1995.

2. The Citizens served our second set of requests for production of documents on Monday, July 24, 1995. Responses were due on Monday, August 28, 1995.

3. SSU filed a pleading on August 29, 1995, objecting to much of this discovery. Although we are now in the process of preparing a pleading to address numerous, unwarranted objections contained in SSU's pleading, there is one matter that should be addressed now.

4. SSU has neither objected to nor responded to the following:

(1) interrogatories numbered 6, 8, 13, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 39, 42, 43, 44, 45, 48, 50, 51, 53, 60, 61, 63, 68, 69, 71, 74, 75, 76, 77, 80, 81, 83, 85, 87, 88, 89, 94, 98, and 99 contained in our first set of interrogatories;

(2) requests for production of documents numbered 4, 9, 10, 12, 15, 28, 31, 36, 46, 49, 50, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 81, 84, 85, 87, 89, 92, 95, 96, 98, 100, 101, 105, 106, 107, 109, 110, 115, 117, 120, 122, 124, 125, 126, 128, 129, 130, 131, 133, 135, 145, 148, 149, 150, 151, 152, and 153 contained in our first set of requests for production of documents;

(3) requests for production of documents

numbered 158, 159, and 160 contained in our second set of requests for production of documents.

5. Discovery is a process where the response to a discovery request is frequently the basis for further discovery focusing more narrowly on an issue. By simply ignoring the production of discovery on its due date, the process of building on that discovery and preparing follow-up questions is irrevocably delayed. Every day lost at this point takes a day away from our ability to prepare testimony responding to SSU's case.

6. The Citizens request the Commission to order SSU to immediately answer the Citizens' interrogatories numbered 6, 8, 13, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 39, 42, 43, 44, 45, 48, 50, 51, 53, 60, 61, 63, 68, 69, 71, 74, 75, 76, 77, 80, 81, 83, 85, 87, 88, 89, 94, 98, and 99, and to immediately produce each document responsive to Citizens' requests for production of documents numbered 4, 9, 10, 12, 15, 27, 28, 31, 36, 46, 49, 50, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 81, 84, 85, 87, 89, 92, 95, 96, 98, 100, 101, 105, 106, 107, 109, 110, 115, 117, 120, 122, 124, 125, 126, 128, 129, 130, 131, 133, 135, 145, 148, 149, 150, 151, 152, 153, 158, 159, and 160.

7. In addition, in order to address the irrevocable delay caused by SSU simply ignoring production of discovery on its due date, the Citizens request the Commission to postpone, on a day-

for-day basis, the filing date for intervenor testimony until SSU fully satisfies these discovery requests. Intervenor testimony is now tentatively scheduled for November 20, 1995. The day-for-day postponement should be determined using that date as a starting point.

Respectfully submitted,

JACK SHREVE  
PUBLIC COUNSEL



Charles J. Beck  
Deputy Public Counsel

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c/o The Florida Legislature  
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Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 950495-WS**

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 31st day of August, 1995.

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Charles J. Beck  
Deputy Public Counsel