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OCT 18 1995

October 18, 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' Ninth Motion to Compel and Ninth Motion to Postpone Date for Filing Intervenor Testimony.

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

Sincerely,

Harold McLean
Associate Public Counsel

- ACK
- AFA 3
- APP _____
- CAF _____
- CHM _____
- CHM HM/bgm
- CFR _____
- CFR Enclosures
- EAS _____
- LEG 1
- LIN 5
- CFC _____
- RCH _____
- SEC 1
- WAS Willis
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DOCUMENT NUMBER-DATE
10309 OCT 18 95
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: October 18, 1995

**CITIZENS' NINTH MOTION TO COMPEL AND NINTH 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 181, 182, 183, 184 185, 187, 188, 189, 190, 191, 192, 194, and 198; and to immediately produce each document responsive to Citizens' requests for production of documents numbered 185, 186, 187, and 191. 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. The Citizens served a Sixth set of interrogatories (numbered 181 through 199 and a Sixth set of requests for production of documents (numbered 185 through 195) on Southern States Utilities, Inc. on September 15, 1995. Responses were due

on October 16, 1995.

2. Several interrogatory responses were received; confidential treatment was requested for interrogatory 196. Several documents were provided; SSU requested confidential treatment of the document requested in document request 193.

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

(1) interrogatories numbered 181, 182, 183, 184 185, 187, 188, 189, 190, 191, 192, 194, and 198 contained in the citizens' our sixth set of interrogatories;

(2) requests for production of documents numbered 185, 186, 187, and 191 contained in the Citizens' sixth set of requests for production of documents;

4. 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.

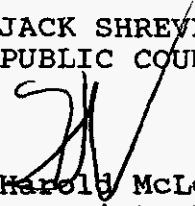
5. The Citizens request the Commission to order SSU to immediately answer the Citizens' interrogatories numbered 181, 182, 183, 184 185, 187, 188, 189, 190, 191, 192, 194, and 198; and to immediately produce each document responsive to Citizens' requests for production of documents numbered 185, 186, 187, and 191.

6. 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



Harold McLean
Associate Public Counsel

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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 18th day of October, 1995.


*Ken Hoffman, Esq.
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