

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
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In Re: Application by Southern)
States Utilities, Inc. for rate)
increase and increase in service)
availability charges for 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.)

Docket No. 950495-WS

Filed: December 15, 1995

SSU'S MOTION FOR RECONSIDERATION
OF ORDER NO. PSC-95-1503-PCO-WS

SOUTHERN STATES UTILITIES, INC., ("SSU") by and through its undersigned counsel, and pursuant to Rules 25-22.0376 and 25-22.037(2)(b), Florida Administrative Code, hereby moves the Commission to reconsider the hereinbelow identified portion of Order No. PSC-95-1503-PCO-WS, entered by the Prehearing Officer, and issued in this docket on December 5, 1995. In support of this Motion, SSU states as follows:

1. Order No. PSC-95-1503-PCO-WS, entered by the Prehearing Officer, and issued in this docket on December 5, 1995 (hereinafter "the Order") overruled SSU's objection to Interrogatory No. 241 served on SSU by the Office of Public Counsel ("OPC"). The Order also required SSU to produce certain information responsive to Interrogatory No. 241 within 15 days of the date of the Order.

2. On December 14, 1995, counsel for OPC informed counsel for SSU that OPC did not want, and would not move to compel SSU to provide, the information which the Order requires SSU to provide.

Counsel for OPC also stated that OPC had not expected a ruling on

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SSU's objection to Interrogatory No. 241 because OPC did not move to compel an answer to Interrogatory No. 241.

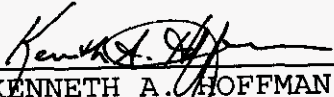
3. SSU did serve a response to Interrogatory No. 241 on OPC by United Parcel Service on November 6, 1995. It now appears that OPC was satisfied with this response notwithstanding SSU's limited objection.

4. Given that OPC did not move to compel an answer to Interrogatory No. 241, was satisfied with the response it received, and effectively withdrew the objectionable portion of the said interrogatory, the Order's disposition of the objection to Interrogatory No. 241 was never necessary. No dispute regarding Interrogatory No. 241 existed, and the issue should have been deemed moot.

5. Given OPC's assurances, SSU will not endeavor obtaining the information referenced in the Order and providing same to OPC. However, because the Order requires SSU to do so, SSU believed it necessary to file the instant Motion so that SSU would not later be found in violation a discovery Order for such failure.

WHEREFORE, in consideration of the foregoing, Southern States Utilities, Inc. requests the Commission to reconsider and withdraw that portion of Order No. PSC-95-1503-PCO-WS as stated hereinabove on the basis that said Order is moot.

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 15th day of December, 1995:

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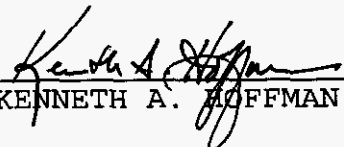
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