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ORIGINAL
FILE COPY

March 18, 1996

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' Response to Southern States' Objection and Citizens' Response to Southern States' Motion for Protection Order.

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

- ACK ✓
- AFA 2
- APP _____
- CAF _____
- CMU _____
- CTR CJB:bsr
- EAG Enclosures
- LEG 1
- LIN 5
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

Sincerely,

Charles J. Beck

Charles J. Beck
Deputy Public Counsel

RECEIVED & FILED
FPC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
03188 MAR 18 96
FPC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILE COPY

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: March 18, 1996

CITIZENS' RESPONSE TO SOUTHERN STATES' OBJECTIONS AND CITIZENS' RESPONSE TO SOUTHERN STATES' MOTION FOR PROTECTIVE ORDER

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this response to the pleading filed by Southern States Utilities, Inc. ("Southern States") on March 12, 1996, entitled "Southern States Utilities, Inc.'s objections to Office of Public Counsel's document request numbers 307, 310, 311 and 312 and motion for protective order."

Document Request 310

1. Southern States alleges that the first three items requested in document request number 310 were already requested by the Citizens in our February 21, 1996 notice of deposition duces tecum of Ida Roberts.

2. The notice of deposition and request for documents are

different for two reasons. First, the notice of deposition only applies to documents in the possession, custody or control of Ida Roberts, not the entire corporation. The request for documents applies to the entire corporation. Second, the request for documents applies to documents created through the date of the request for documents -- a later date than requested by the notice of deposition duces tecum.

3. If Southern States has already produced all documents in its possession, custody or control responsive to the request, it can say so in its response.¹ However, that would be its response; it is not a proper basis for an objection.

Document Requests 311 and 312

4. Southern States objects to requests for documents 311 and 312 because, it claims, the documents were already produced at the deposition of Ida Roberts or are subsumed within items four, five and seven of document request 310.

5. With respect to the deposition of Ms. Roberts, the notice of deposition only went to documents in the possession, custody or control of Ida Roberts, not the entire corporation. The request

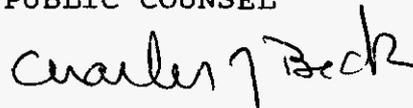
¹ Southern States' pleading states that it has already produced all documents in its possession responsive to the first three items listed under the Citizens' document request 310. It does not state that it has provided all documents in its possession, custody, or control.

for documents applies to the entire corporation. Second, the request for documents applies to documents created through the date of the request for documents -- a later date than requested by the notice of deposition duces tecum. Third, the request is different than the request made in the notice of deposition duces tecum of Ms. Roberts. If Southern States has already produced all documents in its possession, custody or control responsive to the request, it can say so in its response. However, that would be its response; it is not a proper basis for an objection.

6. With respect to the claim that requests 311 and 312 are subsumed within items four, five and seven of document request 310, Southern States can simply state in its response that it provided all documents responsive to document requests 311 and 312 in its response to request 310, if that is true.

Respectfully submitted,

JACK SHREVE
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 party representatives on this 18th day of March, 1996.

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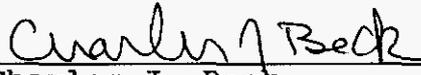
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