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April 1, 1996



HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center
Room 110
Tallahassee, Florida 32399-0850

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of the Southern States Utilities, Inc. ("SSU"), are the following documents:

1. Original and fifteen copies of Southern States Utilities, Inc.'s Objection to Interrogatory 12 from Concerned Citizens of Lehigh Acres; and
2. Original and fifteen copies of Southern States Utilities, Objections to OPC's Document Request No. 320.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

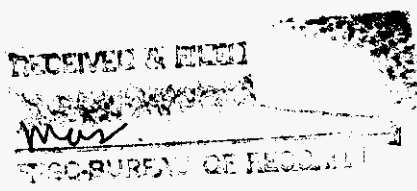
Sincerely,

Kenneth A. Hoffman
Kenneth A. Hoffman

ACK
 AFA 3
 APP
 CAF
 CMU
 CTR
 EAG
 LEG 1
 LIN 5
 OPC
 RCH
 SEC
 WAS *Willis*
 OTH

KAH/rl

cc: All Parties of Record
Trib. 3



Interrog 12 Doc Req 320
DOCUMENT NUMBER-DATE DOCUMENT NUMBER-DATE

03740 APR-1 03742 APR-1

FPSC-RECORDS/REPORTING FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILED

In re: Application by Southern States Utilities, Inc. for rate increase and increase in service availability charges 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, Polk, Putnam, Seminole, St. Johns, St. Lucie, Volusia and Washington Counties.

Docket No. 950495-WS

Filed: April 1, 1996

SOUTHERN STATES UTILITIES, INC.'S OBJECTION TO INTERROGATORY 12 FROM CONCERNED CITIZENS OF LEHIGH ACRES

SOUTHERN STATES UTILITIES, INC., ("SSU") by and through its undersigned counsel, hereby files its objections to Interrogatory No. 12 from the Concerned Citizens of Lehigh Acres and as grounds for its objections states as follows:

1. On March 22, 1996, the Concerned Citizens of Lehigh Acres ("CCLA") served SSU by mail with CCLA's First Set of Interrogatories. Interrogatory No. 12 in said First Set states as follows:

Please provide a listing of all assets that were obtained as part of the Lehigh Acres purchase from the Resolution Trust Company [sic] that have subsequently either been sold or transferred to another entity. For each sale or transfer, please indicate the sales or transfer price, as well as the description of the property, the date of the sale or transfer, who the sale or transfer was made to, and whether the sale or transfer was made to a "related" person whether corporate or private.

2. SSU will provide the information requested to the extent pertaining to any of the described assets which have been

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transferred to or from Lehigh Utilities, Inc. ("LUI") and transferred to or from SSU (survivor corporation by merger with LUI). SSU objects to providing any other information on two grounds: (1) SSU does not have possession, custody or control over the requested information and (2) the information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. Other than information SSU has agreed to provide above, SSU does not have possession, custody or control over information pertaining to asset transfers made by Lehigh Corporation, Lehigh Acquisition Corporation or any other affiliated company involved in the Lehigh Acres acquisition described in Interrogatory No. 12. CCLA has made no showing and can make no showing that SSU and such affiliates acted "as one" in filing the instant rate proceeding or in transacting business related to such asset transfers -- a showing which is an essential prerequisite to CCLA's obtaining information in the possession of such affiliates through discovery requests served on SSU. Medivision of East Broward County, Inc. v. Department of Health and Rehabilitative Services, 488 So.2d 886 (Fla. 1st DCA 1986); Michelin Tire Corp. v. Roose, 531 So.2d 361 (Fla. 4th DCA 1988). Moreover, by Order No. PSC-95-1258-PCO-WS, issued October 13, 1995, in the instant docket, the Prehearing Officer held that SSU could not be required to produce documents responsive to OPC's Document Request No. 127 disclosing information identical to the objectionable information CCLA now seeks because SSU could not be said to have possession, custody or control over

such documents. See Order No. PSC-95-1258-PCO-WS at pp. 4-5.

4. Even if SSU had possession, custody or control of the information objected to above, the objectionable portion of the interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Rule 1.280(b) of the Florida Rules of Civil Procedure prescribes the scope of discovery as follows:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

In Calderbank vs. Cazares, 435 So.2d, 377 (Fla. 5th DCA 1983), the court explained the latter part of Rule 1.280(b) as follows:

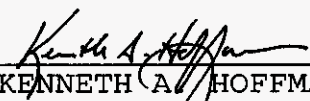
A reasonably "calculated" causal connection between the information sought and the possible evidence relevant to the issues in the pending action must "appear" from the nature of both or it must be demonstrated by the person seeking the discovery. If a logical connection is not readily apparent, the questioner should make it apparent by pointing out to the court his reasoning . . . demonstrating how he calculates the sought information will "reasonably" lead to admissible evidence. The mere fact that an inquiry that appears to be relevant "might" lead to evidence that is relevant and admissible to the issues in the pending suit is not sufficient.

435 So.2d at 379. See also Krypton Broadcasting vs. MGM-Pathe Communications Co., 629 So.2d 852 (Fla. 1st DCA 1994). Simply stated, there is no logical causal connection between the objectionable information solicited by Interrogatory No. 12 and possible evidence relevant to any issue in this proceeding. Other than those asset transfers described above as not objectionable, none of the described asset transfers have anything to do with this

rate proceeding or tend to prove or disprove a material fact at issue in the case. The information CCLA has requested may be useful to CCLA's interests in matters outside this rate proceeding, but that information is not germane to matters before the Commission and within Commission jurisdiction.

WHEREFORE, for the foregoing reasons, SSU objects to that portion of Interrogatory No. 12 from the Concerned Citizens of Lehigh Acres as described hereinabove.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SSU's Objection to Interrogatory No. 12 from Concerned Citizens of Lehigh Acres, was furnished by U. S. Mail to the following this 1st day of April, 1996:

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By: 
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