

8²⁰/_m

GATLIN, WOODS & CARLSON
Attorneys at Law
a partnership including a professional association

The Mahan Station
1709-D Mahan Drive
Tallahassee, Florida 32308

B. KENNETH GATLIN, P.A.
THOMAS F. WOODS
JOHN D. CARLSON
WAYNE L. SCHIEFELBEIN

TELEPHONE (904) 877-7191
TELECOPIER (904) 877-9031

April 8, 1996

ORIGINAL FILED

HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-1850

RE: Docket No. ~~951056~~ WS
Application by PALM COAST UTILITY CORPORATION
for a rate increase in Flagler County, Florida

Dear Ms. Bayo:

Enclosed for filing on behalf of Palm Coast Utility Corporation, are an original and fifteen copies of a Response to Public Counsel's Motion to Permit Additional Interrogatories, in reference to the above docket.

Please acknowledge receipt of the foregoing by stamping the enclosed extra copy of this letter and returning same to my attention. Thank you for your assistance.

Sincerely,

Wayne L. Schiefelbein

Wayne L. Schiefelbein

- ACK
- FA 2
- PPR
- AF WLS/met
- MMU Enclosures
- TR
- AG
- EG 1
- IN 3
- PC
- CH
- SEC 1
- WAS Willis
- TH

RECEIVED & FILED
WLS
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
04067 APR-8 96
EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of PALM COAST)
UTILITY CORPORATION for Increased)
Rates in Flagler County, Florida)

Docket No. 951056-WS

**RESPONSE TO PUBLIC COUNSEL'S MOTION
TO PERMIT ADDITIONAL INTERROGATORIES**

Palm Coast Utility Corporation (PCUC), by its undersigned counsel, responds to Public Counsel's Motion to Permit Additional Interrogatories as follows:

1. At 5:30 p.m., Friday, March 29, 1996, Stephen C. Reilly, Associate Public Counsel, hand-delivered to counsel for PCUC a Motion to Permit Additional Interrogatories, consisting of 43 interrogatories including subparts; its First Set of Requests for Production of Documents consisting of 34 numbered document requests; and its Notice of Intervention in this proceeding.

2. The motion requests that Public Counsel be granted leave to propound a maximum of one hundred (100) interrogatories in this proceeding.

3. Public Counsel's assertions of justification for the need for additional discovery are overstated and disingenuous. The examples recited (nonused and useful distribution and collection systems; funding of nonused and useful plant) have been subjected to intensive discovery by Public Counsel and scrutinized by the Commission over and over again, in prior rate cases and in an investigation. See for example Orders Nos. 22843 (4/23/90); 18625 (1/4/88); 12957 (2/6/84). The instant rate case merely updates the Commission's findings on these issues in Order No. 22843 to reflect test year conditions, and no new concepts or funding arrangements are offered.

4. Notwithstanding the above, PCUC will not oppose increasing the number of allowable interrogatories to a maximum of one hundred (100) interrogatories (including subparts) in this

DOCUMENT NUMBER-DATE

04067 APR-88

FPSC-RECORDS/REPORTING

proceeding. By this response, however, PCUC wants to ensure that the overstated assertions of Public Counsel themselves are not accepted by the Commission as justification for the relief sought.

DATED this 8th day of April, 1996.

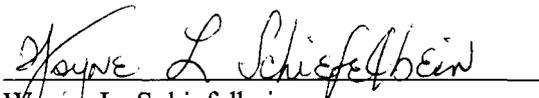
Respectfully submitted,



Wayne L. Schiefelbein
Gatlin, Woods & Carlson
1709-D Mahan Drive
Tallahassee, Florida
(904) 877-7191
Attorney for Palm Coast Utility Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Mr. Ralph Jaeger, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and to Mr. Stephen C. Reilly, Esquire, Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on this 8th day of April, 1996.


Wayne L. Schiefelbein