

450
r

RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
KENNETH A. HOFFMAN
THOMAS W. KONRAD
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
R. MICHAEL UNDERWOOD
WILLIAM B. WILLINGHAM

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

GOVERNMENTAL CONSULTANTS:
PATRICK R. MALOY
AMY J. YOUNG

TELEPHONE (904) 681-6788
TELECOPIER (904) 681-6515

April 18, 1996

ORIGINAL
FILE COPY

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 Southern States Utilities, Inc. ("SSU"), are the following documents:

1. Original and four copies of a Notice of Taking Depositions; and
2. Original and fifteen copies of Response of Southern States Utilities, Inc. in Opposition to Public Counsel's Motion to Strike Rebuttal Testimony of Brian S. Broverman.

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 1 _____
 WAS *Willis* _____
 OTH _____

KAH/rl

cc: All Parties of Record

Trib.3y

RECEIVED & FILED

was
FPSC-BUREAU OF RECORDS

Notice
DOCUMENT NUMBER-DATE
04476 APR 18 96
FPSC-RECORDS/REPORTING

Response
DOCUMENT NUMBER-DATE
04477 APR 18 96
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL
FILE COPY**

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 18, 1996

NOTICE OF TAKING DEPOSITIONS

TO: Lila Jaber, Esq.
Division of Legal Services
2540 Shumard Oak Boulevard
Gerald L. Gunter Building
Room 370
Tallahassee, FL 32399-0850

Wayne Schiefelbein, Esq.
1709 Mahan Drive
Tallahassee, Florida

NOTICE IS HEREBY GIVEN that Southern States Utilities, Inc.
will take the depositions of Kenneth B. Gatlin, Esq., and Charles
Hill, at the following dates and times as indicated:

Kenneth B. Gatlin, Esq.
10:00 a.m.
Monday, April 22, 1996
1709 Mahan Drive
Tallahassee, Florida

Mr. Charles Hill
2:00 p.m.
Monday, April 22, 1996
2540 Shumard Oak Boulevard
Room 362, Gerald L. Gunter Building
Tallahassee, Florida 32399-0850

8134

DOCUMENT NUMBER-DATE

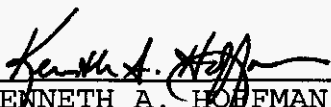
04476 APR 18 96

FPSC-RECORDS/REPORTING

Copies of subpoenas for taking the depositions of Messrs. Gatlin and Hill at the above-referenced times and places are attached hereto as Exhibit "A".

This deposition is being taken for purposes of discovery, for use at hearing, or for any other purpose allowed under the Florida Rules of Civil Procedure and the Rules of the Florida Public Service Commission.

Respectfully submitted,



KENNETH A. HOFFMAN, ESQ.
WILLIAM B. WILLINGHAM, ESQ.
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302-0551
(904) 681-6788

and

BRIAN P. ARMSTRONG, ESQ.
MATTHEW FEIL, ESQ.
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
(407) 880-0058

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Notice of Deposition was furnished by facsimile transmission(*) and U.S. Mail to the following on this 18th day of April, 1996:

Lila Jaber, Esq.*
Division of Legal Services
2540 Shumard Oak Boulevard
Gerald L. Gunter Building
Room 370
Tallahassee, FL 32399-0850

Mr. John D. Mayles
President
Sugarmill Woods Civic Asso.
91 Cypress Blvd., West
Homosassa, FL 34446

Charles J. Beck, Esq.*
Office of Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Arthur I. Jacobs, Esq.
P. O. Box 1110
Fernandina Beach, FL
32305-1110

Michael B. Twomey, Esq.*
P. O. Box 5256
Tallahassee, FL 32314-5256

Mr. Frank Kane
1208 E. Third Street
Lehigh Acres, FL 33936

Mr. Kjell Pettersen
P. O. Box 712
Marco Island, FL 33969

Mr. Paul Mauer, President
Harbour Woods Civic Association
11364 Woodsong Loop N
Jacksonville, FL 32225

Larry M. Haag, Esq.
111 West Main Street
Suite #B
Inverness, FL 34450


KENNETH A. HOFFMAN, ESQ.

1995/depo

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Docket No. 950495-WS -)
Application for rate increase and)
increase in service availability)
charges for Orange-Osceola Util-)
ities, Inc. in Osceola County, and))
in Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval, High))
lands, Lake, Lee, Marion, Martin,)
Nassau, Orange, Osceola, Pasco,)
Polk, Putnam, Seminole, St. Johns,))
St. Lucie, Volusia, and Washington))
Counties)

SUBPOENA FOR DEPOSITION

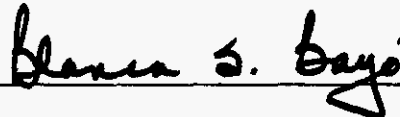
THE STATE OF FLORIDA

TO: B. Kenneth Gatlin, 1709 Mahan Drive, Tallahassee, Florida

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at 1709 Mahan Drive, in Tallahassee, Florida, on April 22, 1996, at 10:00 a.m., for the taking of your deposition in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on April 18, 1996.



Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission

(S E A L)

Kenneth A. Hoffman, William B.
Willingham, Brian P. Armstrong, and
Matthew Feil, Esq.
Attorneys for Southern States
Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
Address

AUTHORITY:

Florida Statutes 120.58(1), (3)

(1) (b) An agency or its duly empowered presiding officer or a hearing officer has the power to swear witnesses and take their testimony under oath, to issue subpoenas upon the written request of any party or upon its own motion, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, except contempt. . . .

(3) A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this act by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (2). The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

Rule 25-22.045, Florida Administrative Code

(1) When the proceeding is before the Commission or member thereof, subpoenas may be issued by the presiding officer or the Division of Records and Reporting on subpoena forms supplied by the Commission. When the proceeding is before a hearing officer of the Division of Administrative Hearings, subpoenas may be issued by the Hearing Officer.

(2) A party shall apply in writing for the issuance of subpoenas requiring the attendance of witnesses or production of records, files, and memoranda from any place in the state, at any designated place of hearing before the presiding officer, for the purpose of taking the testimony of such witness or inspection of documents. An application for the subpoena shall state the name and address of the witness for whom the subpoena is to be issued, and the time and place for the witness to appear.

(3) Any party or person against whom a subpoena is directed may file a motion to quash or limit the subpoena with the agency having jurisdiction of the dispute. The motion shall set forth the ground relied upon.

(4) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if service is not made by an officer authorized by law to do so.

(5) Service of a subpoena may also be effected by certified mail, in which case the return receipt must be signed by the person named in the subpoena.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Docket No. 950495-WS -)
Application for rate increase and)
increase in service availability)
charges for Orange-Osceola Util-)
ities, Inc. in Osceola County, and)
in Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval, High)
lands, Lake, Lee, Marion, Martin,)
Nassau, Orange, Osceola, Pasco,)
Polk, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties)

SUBPOENA FOR DEPOSITION

THE STATE OF FLORIDA

TO: Charles Hill, Director, Division of Water and Wastewater,
Florida Public Service Commission, 2540 Shumard Oak Blvd.,
Tallahassee, Florida

YOU ARE COMMANDED to appear before a person authorized by law to take depositions in Room 362 of the Gunter Building at 2540 Shumard Oak Blvd., in Tallahassee, Florida, on April 22, 1996, at 2:00 p.m., for the taking of your deposition in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on April 18, 1996.

Blanca S. Bayó

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission

(S E A L)

Kenneth A. Hoffman, William B.
Willingham, Brian P. Armstrong, and
Matthew Feil, Esq.
Attorneys for Southern States
Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
Address