

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-96-0550-PCO-WS
availability charges by Southern) ISSUED: April 24, 1996
States Utilities, Inc. 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.)
_____)

ORDER GRANTING MOTION FOR EXPEDITED DISCOVERY RESPONSES
AND
DENYING MOTION FOR PROTECTIVE ORDER

On April 12, 1996, the Office of Public Counsel (OPC) filed a Motion for Protective Order, in which it requested an order that it need not respond to Southern States, Inc.'s, (SSU or utility) second set of interrogatories, interrogatories 56-119; third set of interrogatories, interrogatories 120-128; and third request for production of documents, documents 42 and 43. On April 15, 1996, SSU filed its Response to OPC's April 12 Motion for Protective Order and Motion for Expedited Discovery Responses.

SSU served by hand delivery its second set of interrogatories, interrogatories 56-119, on OPC on March 27, 1996; its third request for production of documents, documents 42 and 43, on April 8, 1996; and its third set of interrogatories, interrogatories 120-128, on April 9, 1996. SSU's second set of interrogatories propounds a number of requests related to the prefiled direct testimony of OPC witness, Kimberly Dismukes. SSU's third request for production of documents seeks the workpapers, studies, analyses, memoranda and other documents used or relied upon by OPC witnesses in preparing their testimony in this proceeding, as well as the notes of a customer who testified at a service hearing. SSU's second set of interrogatories propounds a number of requests related to the prefiled direct testimony of OPC witnesses, Ted Bidy and Hugh Larkin/Donna Deronne, and seeks discovery related to recent OPC annual reports to the Legislature.

In its motion, OPC stated that discovery in this proceeding is to be completed by April 22, 1996, pursuant to Order No. PSC-95-1506-PCO-WS, issued December 5, 1995, and that it understands the Commission's practice is to construe discovery deadlines to mean that, absent leave of the Prehearing Officer, responses may not be required beyond the deadline. OPC stated that it would be

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burdensome and interfere with its conduct of the evidentiary hearings for it to respond to this discovery.

In its Motion for Expedited Discovery Responses, SSU requested that OPC be ordered to serve responses to this discovery by hand delivery by April 22, 1996. SSU noted that, by Order No. PSC-96-0510-PCO-WS, issued April 15, 1996, it is required to respond to OPC's 22d set of interrogatories and 26th request for production of documents, both served on March 19, 1996, by April 22, 1996. At the prehearing conference on April 19, 1996, OPC expressed particular concern with the request to produce the work papers of Ms. Dismukes. The utility modified its request for service of Ms. Dismukes' workpapers to be received on April 23, 1996.

Having heard argument of the parties and being fully informed in the premises, I find it appropriate to require expedited discovery. Accordingly, SSU's Motion for Expedited Discovery Responses is hereby granted and OPC's Motion for Protective Order is denied. OPC shall respond to the subject discovery no later than Wednesday, April 23, 1996.

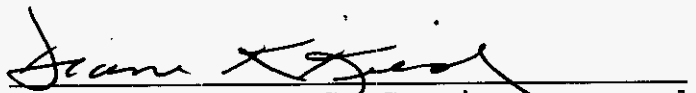
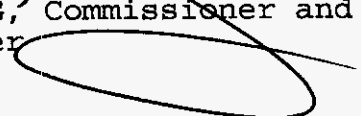
Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Motion for Expedited Discovery Responses filed by Southern States Utilities, Inc., is granted. It is further

ORDERED that the Motion for Protective Order filed by the Office of Public Counsel is denied. It is further

ORDERED that the discovery responses which are the subject of the above motions shall be served by April 23, 1996.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 24th day of April, 1996.


DIANE K. KIESLING, Commissioner and
Prehearing Officer 

(S E A L)
CJP

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.