

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF MAD HATTER
UTILITY, INC. FOR AMENDMENT OF
WATER AND WASTEWATER CERTIFICATES
IN PASCO COUNTY, FLORIDA

DOCKET NO. 950576-WS

ORIGINAL
FILE COPY

**PASCO COUNTY'S RESPONSE TO
MAD HATTER'S MOTION TO EXPEDITE
DISCOVERY**

Pasco County, through its undersigned counsel, hereby responds to Mad Hatter Utility's motion to expedite discovery as follows:

1. Although Mad Hatter filed its petition to extend its territory last year, it waited until April 15, 1997 -- less than one month prior to the administrative hearing -- to serve a request for production of documents on Pasco County.

2. The request is untimely as the response is due after discovery cut-off on May 6. Furthermore, the response is not due until after the administrative hearing. The prehearing was held on February 10, 1997. Pasco County filed its pre-filed direct testimony the following month.

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG 1
LIN 3
OPC _____
RCH _____
SEC 1
W 1

DOCUMENT NUMBER-DATE
04420 MAY-56
FPSC-RECORDS/REPORTING

Mad Hatter has given no reason for its delay in serving the request to produce.

3. Mad Hatter is in error when it claims that expediting discovery will not prejudice Pasco County. The number of documents sought include hundreds, if not thousands, of documents. For example, in request number three, Mad Hatter seeks "All correspondence, permits and other documents (which relate to the operation of the utility system) exchanged between you and DEP, DER and the Southwest Florida Water Management District from 1993 until the present date." Those documents alone will be voluminous, the vast majority of which will not relate to any issue in this administrative proceeding.

4. Accordingly, Mad Hatter's motion to expedite discovery response should be denied as Mad Hatter has provided no reason for its failure to serve a timely request to produce. Furthermore, the number of documents sought in the request is so large that the County should not be expected to comply on an expedited basis.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served upon Roseanne Capeless, Florida Public Service

Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL
32399, and F. Marshall Deterding, Rose Sundstrum & Bentley,
2548 Blairstone Pines Drive, Tallahassee, Florida 32301, by
regular U.S. mail this 29th day of April, 1997.

JOHNSON, BLAKELY, POPE,
BOKOR, RUPPEL & BURNS, P.A.

By: 

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