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May 6, 1999

HAND DELIVERY

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RECORDS AND REPORTING

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 Florida Water Services Corporation ("Florida Water") are the following documents:

1. Original and fifteen copies of Florida Water's Objections to Office of Public Counsel's Fourth Request for Production of Documents on Remand; and
2. Original and fifteen copies of Florida Water's Motion to Toll Time for Service of Responses to Office of Public Counsel's Second Set of Interrogatories and Third and Fourth Requests for Production of Documents on Remand.

Please acknowledge receipt of these documents by stamping the extra copy of this letter 2 "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

*Kenneth A. Hoffman*  
Kenneth A. Hoffman

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

APA	2
APP	_____
CAF	_____
CMU	_____
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LEG	2
MAS	_____
OPC	_____
RRR	_____
SEC	1
WAW	<i>WAW</i>
OTH	KAH/rl

Enclosures

*Objections*  
DOCUMENT NUMBER-DATE  
05773 MAY-6 99  
FPSC-RECORDS/REPORTING

*Motion*  
DOCUMENT NUMBER-DATE  
05771 MAY-6 99  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: May 6, 1999

FLORIDA WATER SERVICES CORPORATION'S
MOTION TO TOLL TIME FOR SERVICE OF RESPONSES
TO OFFICE OF PUBLIC COUNSEL'S SECOND SET
OF INTERROGATORIES AND THIRD AND FOURTH
REQUESTS FOR PRODUCTION OF DOCUMENTS ON REMAND

Florida Water Services Corporation ("Florida Water"), by and through its undersigned
counsel, hereby requests the Prehearing Officer to enter an order tolling the time for Florida Water
to serve its responses to the Office of Public Counsel's ("OPC") Second Set of Interrogatories on
Remand, Third and Fourth Requests for Production of Documents on Remand and all future
discovery requests served by parties or staff, pending the disposition of Florida Water's Motion to
Enforce Mandate. In support of this Motion, Florida Water states as follows:

- 1. On May 3, 1999, Florida Water filed a Motion to Enforce Mandate with the First
District Court of Appeal requesting the Court to review three orders of the Commission issued on
remand which, in Florida Water's judgment, violate the mandate issued by the Court in Southern
States Utilities v. Florida Public Service Commission, 714 So.2d 1046 (Fla. 1st DCA 1998). In
addition, in response to a Motion filed by Florida Water, the Prehearing Officer granted an

Abatement and Continuance of the controlling dates established for the remand stage of this proceeding, stating in the Order that:

... the Controlling Dates set forth in the Order Establishing Procedure, Order No. PSC-99-0181-PCO-WS, are all canceled and will be reset upon completion of the appellate proceedings. Also, the date for completion of discovery will be reset upon completion of the appellate proceedings.

Order Granting Motion for Abatement and Continuance and Canceling Controlling Dates, Order No. PSC-99-0800-PCO-WS issued April 21, 1999, at 2.

2. As a basis for the Order Granting Florida Water's Motion for Abatement and Continuance, the Prehearing Officer referenced Florida Water's position "... that judicial economy ... (would) be enhanced by resolving pending issues affecting the scope of discovery and issues for hearing prior to engaging in further discovery, preparation and submission of testimony, and participation in the final hearing on remand." *Id.*, at 1.

3. On April 9, 1999, OPC served its Second Set of Interrogatories and Third Request for Production of Documents on Remand. On April 19, 1999, Florida Water filed its Objections to Interrogatory Nos. 17 and 18 included in OPC's Second Set of Interrogatories on Remand and Document Request Nos. 12, 13, 16 and 17 included in OPC's Third Request for Production of Documents on Remand. On April 30, 1999, OPC served its Fourth Request for Production of Documents on Remand.

4. The abatement granted by the Commission constitutes a suspension of the remand proceeding, in full, pending the disposition of Florida Water's Motion to Enforce Mandate. See In re Estate of Peck, 336 So.2d 1230, 1231 (Fla. 2<sup>nd</sup> DCA 1976). In addition, Florida Water submits that the intent of the Order Granting Motion for Abatement and Continuance would be served by

allowing the parties to focus their time and resources on the pending appellate proceeding rather than on pending and any subsequently served discovery requests. This is particularly true since the Order Granting the Abatement and Continuance provides that the date for completion of discovery will be reset upon completion of the appellate proceedings. OPC is thereby insured that it will still have sufficient time to engage in and complete discovery upon disposition of Florida Water's Motion to Enforce Mandate.

WHEREFORE, Florida Water respectfully requests that the Prehearing Officer enter an Order tolling the time for Florida Water to respond to OPC's Second Set of Interrogatories and Third and Fourth Requests for Production of Documents on Remand, as well as all future discovery requests served by any party or staff,<sup>1</sup> pending the disposition by the First District Court of Appeal of Florida Water's Motion to Enforce Mandate.

Respectfully submitted,



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<sup>1</sup>Florida Water's prayer for relief includes a request that the Commission toll the time for Florida Water to file objections to any future discovery requests served by any party or staff.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following on this 6th day of May, 1999:

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