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ORIGINAL

August 6, 2002

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VIA HAND DELIVERY

Blanca S. Bayo
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

AUG - 6 PM 2:47
 COMMISSION
 CLERK
 FPSC

Re: In Re: Application for Limited Proceeding to Recover Costs of Water System Improvements In Marion County By Sunshine Utilities of Central Florida, Inc., Docket No. 992015-WU

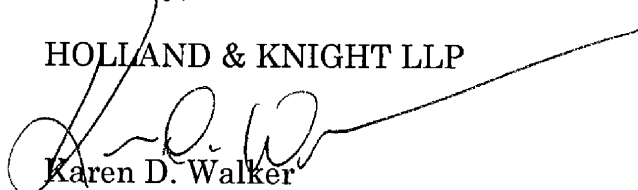
Dear Ms. Bayo:

Enclosed for filing on behalf of Sunshine Utilities of Central Florida, Inc. ("Sunshine") are the original and seven (7) copies of its Response in Opposition to Citizens' Motion to Shorten the Time to Respond to Citizens' First Set of Discovery and Motion to Establish Uniform Expedited Discovery.

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP



Karen D. Walker

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Enclosure

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DOCUMENT NUMBER DATE

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Blanca Bayo
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cc: Ralph Jaeger
Stephen C. Reilly

TAL1 #254663 v1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Limited)
Proceeding to Recover Costs of Water) Docket No. 992015-WU
System Improvements In Marion County)
By Sunshine Utilities of Central Florida,)
Inc.) Filed: August 6, 2002
/

**SUNSHINE'S RESPONSE IN OPPOSITION TO CITIZENS'
MOTION TO SHORTEN THE TIME TO
RESPOND TO CITIZENS' FIRST SET OF DISCOVERY
AND MOTION TO ESTABLISH UNIFORM EXPEDITED DISCOVERY**

SUNSHINE UTILITIES OF CENTRAL FLORIDA, INC. ("Sunshine"), by and through its undersigned counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby submits this Response in Opposition to Citizens' Motion to Shorten the Time to Respond to Citizens' First Set of Discovery and Motion to Establish Uniform Expedited Discovery and states:

1. The Office of Public Counsel ("OPC") filed its petition protesting certain aspects of Proposed Agency Action Order No. PSC-02-0656-PAA-WU (the "PAA Order") on June 4, 2002.

2. On June 20, 2002, the Prehearing Officer issued Order No. PSC-02-0852-PCO-WU, the Order Establishing Procedure for the hearing in this docket. The Order Establishing Procedure sets forth the dates governing key activities in this docket, including the filing of Sunshine's direct testimony and exhibits on July 23, 2002, and the filing of OPC's direct testimony and exhibits on August 23, 2002.

DOCUMENT NUMBER DATE

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3. On August 2, 2002, OPC served its First Set of Interrogatories and its First Request for Production on Sunshine, along with the Citizens' Motion to Shorten the Time to Respond to Citizens' First Set of Discovery (the "Motion"). The Citizens' Motion requests that the Prehearing Officer order Sunshine to provide its responses to OPC within 10 days of service, instead of the 30 days afforded by the Florida Rules of Civil Procedure. For the reasons set forth herein, the Motion should be denied.

4. Sunshine should not be penalized for OPC's "sitting on its hands" and waiting to serve discovery less than 30 days prior to the date that OPC's testimony and exhibits are due to be filed. OPC could have served discovery on Sunshine at any time after it filed its petition on June 4, 2002. However, OPC let 59 days expire before serving its first discovery requests on Sunshine.

5. OPC has known the dates for the filing of Sunshine's testimony and exhibits and OPC's testimony and exhibits since the Order Establishing Procedure was issued on June 20, 2002. OPC, however, has not objected to or requested reconsideration or clarification of the Order Establishing Procedure until now – 43 days after the issuance of the Order Establishing Procedure.

6. The Citizens' Motion is predicated on OPC's assertion that the review by OPC's witnesses of Sunshine's testimony prompted OPC's discovery requests. However, only a few of OPC's discovery requests, if any, are specific to issues raised for the first time in Sunshine's testimony. The majority of the discovery requests

ask for information that OPC knew, or should have known, it would need as part of its case when it filed its petition protesting the PAA Order. For example, OPC asks for: (a) information relating to Exhibit RCN-2, which is the same schedule attached to Sunshine's Second Amended Application for Limited Proceeding dated June 7, 2001, which was the subject of the PAA Order; (b) information about the president's salary, which has clearly been at issue since Sunshine's June 4, 2002 limited protest of the PAA Order; and (c) workpapers relating to Sunshine's application for limited proceeding. There is nothing about the filing of Sunshine's testimony on July 23, 2002, that provided new information that would have triggered a request for this and most of the other information sought by OPC's discovery requests.

7. As noted above, OPC's first discovery requests were served on August 2, 2002. These discovery requests include 25 interrogatories and 30 requests for production of documents. Pursuant to Rule 28-106.206, Florida Administrative Code, discovery is to be conducted in accordance with Rules 1.280 through 1.400 of the Florida Rules of Civil Procedure. These rules afford Sunshine 30 days to respond to OPC's first set of interrogatories and first request for production of documents. Fla. R. Civ. P. 1.340, 1.350. OPC is requesting that Sunshine be ordered to respond to these numerous discovery requests by August 12, 2002 – within 10 days of service. Thus, OPC is asking that the Prehearing Officer shorten the time that Sunshine is given under the model rules to respond to discovery by 20 days. Shortening the response time as requested by OPC would create an undue

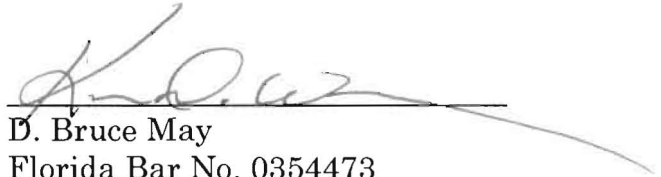
hardship on Sunshine, which hardship is created by OPC's own inaction. Moreover, it would be extremely difficult, if not impossible, for Sunshine to respond to some of the discovery requests by August 12, 2002 due to the vacation schedule of one of Sunshine's witnesses. Nonetheless, in the spirit of compromise, Sunshine is willing to provide OPC with Sunshine's responses to the discovery requests to which Sunshine does not object or request clarification by the close of business on August 19, 2002, which is 15 days following service of the discovery requests.

8. In the interest of fairness and to ensure that all parties are subject to the same discovery response times, Sunshine moves that the Prehearing Officer establish uniform expedited discovery deadlines consistent with Sunshine's compromise position requiring all parties to respond to discovery within 15 days of service.

WHEREFORE, Sunshine requests that the Prehearing Officer:

- (a) deny the Citizens' Motion to Shorten the Time to Respond to Citizens' First Set of Discovery;
- (b) grant Sunshine until August 19, 2002 to respond to the Citizens' First Set of Discovery; and
- (c) require all parties in this docket, on a going forward basis, to respond to discovery within 15 days of service.

Respectfully submitted this 6th day of August, 2002.



D. Bruce May
Florida Bar No. 0354473
Karen D. Walker
Florida Bar No. 0982921
HOLLAND & KNIGHT LLP
P. O. Drawer 810
Tallahassee, Florida 32302
(850) 224-7000

**Attorneys for Sunshine Utilities of
Central Florida, Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Hand-Delivery to: Ralph Jaeger, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and Office of Public Counsel, Stephen C. Reilly, 111 W. Madison Street, Room 812, Tallahassee, FL 32399-1400 all on this 6th day of August, 2002:



Karen D. Walker

TAL1 #254616 v1