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(LICENSED IN TEXAS ONLY)

August 12, 2003

HAND DELIVERY

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COMMISSION  
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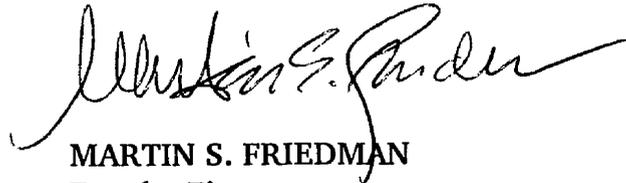
Ms. Blanca Bayo  
Commission Clerk and Administrative Services Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 020071-WS  
Application of Utilities, Inc. of Florida for a Rate Increase  
Our File No.: 30057.40

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket an original and seven (7) copies of Utilities, Inc. of Florida's **EMERGENCY** Motion to Compel Discovery.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

MSF/dmp

AUS \_\_\_ Enclosures

CAF \_\_\_

CMP \_\_\_

COM 3cc:

CTR \_\_\_

ECR \_\_\_

GCL \_\_\_

OPC \_\_\_

MMS \_\_\_

SEC +

OTH \_\_\_

- H.F. Mann, Associate Public Counsel (w/enclosure) (via facsimile & U.S. Mail)
- Rosanne Gervasi, Esquire (w/enclosure) (via facsimile & U.S. Mail)
- Mr. Steven M. Lubertozi (w/enclosure) (via facsimile)
- Mr. Patrick Flynn (w/enclosure) (via facsimile)
- Mr. David L. Orr (w/enclosure) (via facsimile)

DOCUMENT NUMBER-DATE

07379 AUG 12 5

FPSC-COMMISSION CLERK

utilities, inc.\2002 rate case\psc clerk (bayo) 091 (M-Compel)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of UTILITIES, INC.  
OF FLORIDA for rate increase  
in Marion, Orange, Pasco, Pinellas  
and Seminole Counties, Florida

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Docket No. 020071-WS

EMERGENCY MOTION TO COMPEL DISCOVERY

Utilities, Inc. of Florida (*UIF*), through its attorneys, request that the Florida Public Service Commission (*Commission*) compel the Office of Public Counsel (*OPC*) to answer interrogatories and requests for production of documents served on them by UIF (*Discovery Requests*) on an emergency basis.

1. UIF served the Discovery Requests on OPC by facsimile and U.S. Mail on or about 2 July, 2003.
2. OPC's responses to the Discovery Requests were due on or before August 4, 2003.
3. As of the date of this Motion, OPC has neither provided answers to the Discovery Requests nor has it requested an extension of time to answer them.
4. Counsel for UIF has contacted OPC to obtain responses to the Discovery Requests but has not had a reply.
5. UIF requires answers to the Discovery Requests to enable it to prepare its case and to respond to issues raised recently by OPC in the Prefiled Testimony of Mark A. Cicchetti and Kimberley H. Dismukes filed on June 30, 2003.
6. UIF urgently requires answers to the Discovery Requests in order to adequately prepare questions for OPC Witness Mark A. Cicchetti at his deposition scheduled for Wednesday, August 13, 2003.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

7. The hearing on this case is scheduled to begin on Wednesday, August 20, 2003, and UIF urgently requires this Commission to grant this Motion on an emergency basis to prevent injustice and prejudice to UIF at the deposition of Mark A. Cicchetti and at the hearing on this case.

7. UIF requests an order from this Commission compelling answers to the Discovery Requests on or before 5:00 p.m., Tuesday, August 12, 2003.

Respectfully submitted on this \_\_\_\_ day of  
August, 2003

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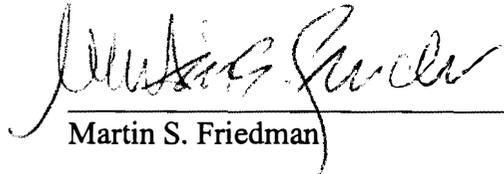
Martin S. Friedman, Esq.

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 020907-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Motion to Compel Discovery filed by Utilities, Inc. of Florida has been furnished by facsimile and U.S. Mail to the following parties on this 11 day of August, 2003:

H.F. Mann  
Associate Public Counsel  
Office of Public Counsel  
C/o The Florida Legislature  
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Room 812  
Tallahassee, FL 32399-1400

Roseanne Gervasi, Esq.  
Lorena Holley, Esq.  
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\_\_\_\_\_  
Martin S. Friedman