

Ruth Nettles

From: Ann Bassett [abassett@lawfla.com]
Sent: Thursday, March 26, 2009 2:49 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 080366-GU
Attachments: 2009-03-26, 080366, FPUC Objections.pdf

The person responsible for this electronic filing is:

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The Docket No. is 080366-GU

Petition of Florida Public Utilities Company for an Increase in Rates Charged to Natural Gas Customers

This is being filed on behalf of Florida Public Utilities Company

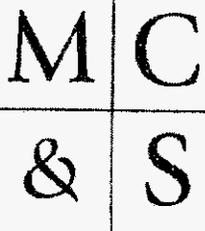
Total Number of Pages is 4

Florida Public Utilities Company's Objections

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DOCUMENT NUMBER-DATE

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March 26, 2009

VIA ELECTRONIC MAIL

Ms. Ann Cole, Commission Clerk
Office of Commission Clerk
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

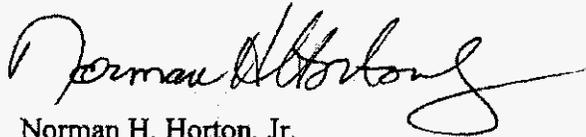
Re: Docket No. 080366-GU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is Florida Public Utilities Company's Objections in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,



Norman H. Horton, Jr.

NHH/amb
Enclosures

cc: Ms. Cheryl Martin
Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Public Utilities Company's) Docket No. 080366-GU
Gas Division) Date Filed: March 26, 2009
_____)

OBJECTIONS

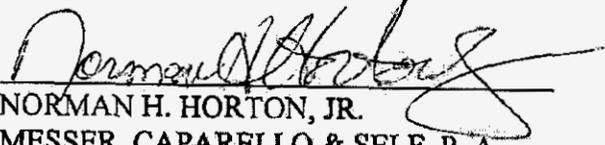
COMES NOW, Florida Public Utilities Company ("FPUC") and files this Objection to Discovery served by the Office of Public Counsel ("OPC") in this docket and as basis says:

1. On March 17, 2009 and March 19, 2009, FPUC filed objections to discovery served by the Office of Public Counsel in this docket and requested entry of a protective order that discovery not be had at this time given the posture of this docket. FPUC also reserved the opportunity to submit specific objections should the discovery be allowed. There has been no ruling on the objections and request but FPUC would raise a specific objection to the discovery at this time rather than later in the event that the discovery is allowed.

2. Rule 1.340(a), Florida Rules of Civil Procedure, Interrogatories to Parties, limits the number of interrogatories to parties to 30. To date, the OPC has served 81 interrogatories and 30 requests for production of documents and FPUC would enter its objection to the number of interrogatories served by OPC.

3. Section 350.0611 (1), Florida Statutes, gives the Public Counsel the power to recommend by petition the commencement of any action or to appear in any action and "... utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission . . .". Should the Commission allow the OPC to conduct discovery, it is clear that they must do so subject to the limits contained in Rule 1.340(a).

Respectfully submitted this 26th day of March, 2009.


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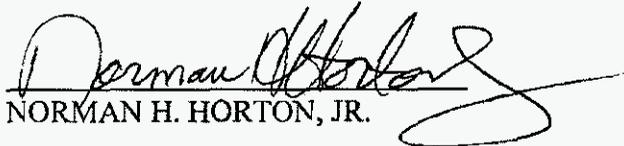
Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail and/or U. S. Mail this 26th day of March, 2009 upon the following:

Ralph Jaeger, Esq.
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