

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-96-0543-PCO-WS
availability charges by Southern) ISSUED: April 22, 1996
States Utilities, Inc. 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, Putnam, Seminole, St.)
Johns, St. Lucie, Volusia, and)
Washington Counties.)

ORDER ON OBJECTIONS TO DOCUMENT REQUESTS NUMBERS 1 THROUGH 10
FROM THE HIDDEN HILLS CIVIC ASSOCIATION'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

On March 25, 1996, Southern States Utilities, Inc., (SSU or utility) filed Objections to the Hidden Hills Civic Association's (Hidden Hills) First Request for Production of Documents, comprising Document Requests Nos. 1 through 10. Document Requests Nos. 1 through 6 address water quality issues for the utility's Duval County facilities. Document Requests Nos. 7 through 10 address communications between SSU and its political action committee and lobbyists, and correspondence with the law firm of Rose, Sundstrom & Bentley. Hidden Hills did not file a response to SSU's objections.

SSU objects to Hidden Hills' Document Requests Nos. 1 through 10 because Hidden Hills is not a party to this proceeding. SSU argues that pursuant to Rules 1.280(a) and 1.350(a), Florida Rules of Civil Procedure, only a party to a proceeding may propound discovery. SSU secondarily objects to Hidden Hills' Document Requests Nos. 7 through 10 on the grounds that the requests are vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Rules 1.280(a) and 1.350(a), Florida Rules of Civil Procedure, and Rule 25-22.034, Florida Administrative Code, expressly permit parties to obtain discovery. Hidden Hills is not a party to this proceeding, nor has it requested leave to intervene. Therefore, SSU is not required to respond to discovery requests served by Hidden Hills. Accordingly, SSU's objection is hereby sustained.

DOCUMENT NUMBER-DATE

04576 APR 22 88

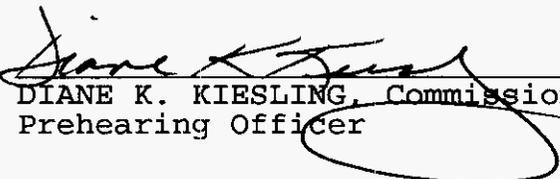
FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-0543-PCO-WS
DOCKET NO. 950495-WS
PAGE 2

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Southern States Utilities, Inc.'s, Objection to Document Requests Nos. 1 through 10 from the Hidden Hills Civic Association's First Request for Production of Documents on the basis that Hidden Hills is not a party is hereby sustained.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 22nd day of April, 1996.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)
RGC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.