

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southern)
States Utilities, Inc. and Deltona)
Utilities, Inc. for Increased)
Water and Wastewater Rates in)
Citrus, Nassau, Seminole, Osceola,)
Duval, Putnam, Charlotte, Lee,)
Lake, Orange, Marion, Volusia,)
Martin, Clay, Brevard, Highlands,)
Collier, Pasco, Hernando, and)
Washington Counties.)

Docket No. 920199-WS
Filed: August 21, 1992

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**SOUTHERN STATES' MOTION FOR
RECONSIDERATION OF ORDER NO. PSC-92-0819-PCO-WS**

SOUTHERN STATES UTILITIES, INC. and DELTONA UTILITIES, INC. (hereinafter referred to collectively as "Southern States"), by and through undersigned counsel, and pursuant to Rule 25-22.038(2), Florida Administrative Code and Order No. PSC-92-0819-PCO-WS, requests reconsideration of that portion of Order No. PSC-92-0819-PCO-WS directing Southern States to respond to the discovery deemed proper in such Order within seven (7) days of the date of the Order. Southern States requests the Prehearing Officer to reconsider said provision of the Order and grant Southern States an additional seven (7) days to respond to the discovery deemed proper in the Order. In support of its Motion, Southern States states as follows:

1. On July 2, 1992, Southern States filed its Amended Motion for Protective Order Striking and/or Relieving Duty to Respond to Certain Portions of the OFFICE OF PUBLIC COUNSEL'S ("Public Counsel") First, Second, Third and Fourth Sets of Interrogatories and First, Second and Third Sets of Document Production Requests.

2. On August 14, 1992, the Prehearing Officer issued Order No. PSC-92-0819-PCO-WS denying in part and granting in part Southern States' Amended Motion for Protective Order. Pursuant to

DOCUMENT NUMBER DATE

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the Order, Southern States was given seven (7) days, or until August 21, 1992, to respond to the following interrogatories and document requests propounded by Public Counsel:

Interrogatories

Nos. 1, 2, 28, 38, 40, 43, 48, 49, 52, 59, 62, 65, 66, 67, 68, 72, 81, 84, 85, 87, 88, 90, 93, 94, 97, 99, 104, 110, 113, 115, 122, 124, 139, 144, 145, 146, 147, 171, 172, 173, 174, 175, 181, 182, 183, 185, 189, 190, 191, 193, 210, 213 and 214.

Document Requests

Nos. 28, 32, 33, 46, 51, 55, 76, 83, 84¹, 85² and 87³.

3. In view of Southern States' obligation to respond to approximately sixty-five (65) discovery requests pursuant to Order No. PSC-92-0819-PCO-WS, as well as Southern States' on-going preparation of additional discovery responses in this docket and Docket No. 911188-WS, Southern States maintains that it is reasonable and appropriate to grant Southern States an additional seven (7) days to comply with Order No. PSC-92-0819-PCO-WS.

4. In further support of this request, Southern States notes that on August 20, 1992, Southern States and Public Counsel filed a Joint Motion for a ten (10) day extension of time for the

¹With respect to Document Request No. 84, Southern States is required to provide only such documents, if any, falling outside of the work product exception. Order No. PSC-92-0819-PCO-WS, at 6-7.

²With respect to Document Request No. 85, Southern States is required to produce only such documents falling outside of the work product exception and attorney-client privilege. Order No. PSC-92-0819-PCO-WS, at 7.


³With respect to Document Request No. 87, Southern States is required to produce only a list of the requested documents. Order No. PSC-92-0819-PCO-WS, at 7.

submission of Public Counsel's prepared testimony. If the Prehearing Officer grants this Joint Motion, Public Counsel should not be prejudiced by the seven (7) day extension requested in this Motion. Counsel for Southern States has conferred with Public Counsel and represents that Public Counsel opposes the relief requested in this Motion.

5. Southern States believes the Prehearing Officer failed to give due consideration to or was simply unaware of Southern States' additional and on-going discovery obligations as well as the recently filed Joint Motion for Extension of Time for the filing of Public Counsel's prepared testimony, discussed in paragraphs 3 and 4 above. Under such circumstances, reconsideration of Order No. PSC-92-0245-EQ is appropriate. See Diamond Cab Co. v. King, 146 So.2d 889 (Fla. 1962); Pingree v. Quaintance, 394 So.2d 161 (Fla. DCA 1981).

WHEREFORE, Southern States respectfully requests the Prehearing Officer to enter an Order granting Southern States an additional seven (7) days, or until August 28, 1992, to respond to the discovery deemed proper in Order No. PSC-92-0819-PCO-WS.

Respectfully submitted,


KENNETH A. HOFFMAN, ESQUIRE
LAURA L. WILSON, ESQUIRE
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz, P.A.
P. O. Box 1876
Tallahassee, Florida 32302-1876
(904) 222-0720

and

BRIAN P. ARMSTRONG, ESQUIRE
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
(407) 880-0058

Attorneys for Applicants Southern
States Utilities, Inc. and
Deltona Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States' Motion for Reconsideration of Order No. PSC-92-0819-PCO-WS was furnished by hand delivery, this 21st day of August, 1992, to the following:

Harold McLean, Esq.
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

Matthew Feil, Esq.
Catherine Bedell, Esq.
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
Room 226
Tallahassee, Florida 32399

By: 
KENNETH A. HOEYMAN, ESQ.