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ORIGINAL
FILE COPY

April 12, 1996

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Case No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizen's Motion for Protective Order.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

- ACK
- AFA 3
- APP CJB:bsr
- CAF Enclosures
- CMU
- CTR
- EAG
- LEG 1
- LIN 5
- OPC
- RCH
- SEC 1
- WAS Wills
- OTH

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DIVISION OF RECORDS AND REPORTING

DOCUMENT NUMBER-DATE

04241 APR 12 86

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate)
increase 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 by Southern States)
Utilities, Inc.)
_____)

Docket No. 950495-WS

Filed: April 12, 1996

MOTION FOR PROTECTIVE ORDER

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this motion for protective order seeking an order that the Citizens need not respond to discovery filed by Southern States Utilities, Inc. ("Southern States") in violation of the order on prehearing procedure.

1. Order no. PSC-95-1506-PCO-WS issued December 5, 1995, states that discovery must be complete by April 22, 1996. It is well established practice at the Commission that the discovery completion deadline set forth in orders establishing procedure means that discovery must be served so that responses are due no later than the discovery completion date.

2. Discovery recently served by Southern States shows why this is so. Southern States' third set of interrogatories to the

Citizens served on April 9, 1996, calls for responses on Thursday, May 9, 1996 -- the Thursday of the second week of evidentiary hearings in this case. Southern States' third request for production of documents calls for a document production on Wednesday, May 8, 1996 (the middle of the second week of hearings), and Southern States' second set of interrogatories calls for responses by on April 26, 1996 (the last weekday before the beginning of hearings). It would be burdensome and interfere with Citizens' conduct of the evidentiary hearings to require the Citizens to prepare discovery responses either while the hearing is being conducted or just before the hearing begins.

3. Southern States has not sought leave of the Prehearing Officer to disregard or otherwise waive the requirement of order no. PSC-95-1506-PCO-WS that discovery be complete by April 22, 1996.¹


¹ The Citizens asked for such relief in a motion filed March 29, 1996. That motion explained that to meet the requirement to complete discovery by Monday, April 22, 1996, the Citizens would have been required to hand serve discovery concerning Southern States' rebuttal testimony on the same day that we received it. Southern States, on the other hand, has not even bothered to provide a reason why it waited to serve discovery, nor has it ask permission of the Prehearing Office to serve discovery due after the discovery completion date set forth in the Prehearing Officer's order.

This is not the only instance of Southern States violating the Prehearing Officer's orders. Order no. PSC-95-1394-PCO-WS issued November 9, 1995, states that "should SSU be unable to timely respond to any future discovery requests, it shall, within 30 days after service of the request, so notify the party requesting the discovery and apply to the prehearing officer for an extension of time to respond to the discovery for good cause shown." Southern States has routinely and repeatedly disobeyed this order.

WHEREFORE, Citizens respectfully request the Prehearing Officer to issue an order stating that the Citizens need not respond to Southern States' third request for production of documents or Southern States' second and third set of interrogatories to the Citizens.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL



Charles J. Beck
Deputy Public Counsel

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Attorneys for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 950495-WS**

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or *hand-delivery to the following party representatives on this 12th day of April, 1996.

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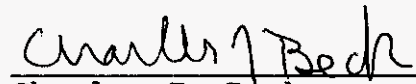
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