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STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

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RECORDS AND
REPORTING

May 18, 1999

ORIGINAL

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 950495-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Response to Florida Water Services Corporation's Motion to Toll Time for Service of Responses to Office of Public Counsel's Second Set of Interrogatories and Third and Fourth Requests for Production of Documents for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

RECEIVED & FILED
FPSC BUREAU OF RECORDS

Sincerely,

Stephen C. Reilly
Associate Public Counsel

- AFA 1
- APP _____
- CAF _____
- CMU _____
- CTR SCR/dsb
- EAG Enclosures
- LEG 1
- MAS 5
- OPC _____
- RRR C:\STEVE\950495REBAYO.16
- SEC 1
- WAV _____
- OTH _____

DOCUMENT NUMBER-DATE
06263 MAY 18 99
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate increase)
and increase in service availability)
charges by Southern States Utilities,)
Inc. for Orange-Osceola County,)
and in Bradofrd, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Nassau, Orange Osceola,)
Pasco, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties._____)

Docket No. 950495-WS
Filed: May 18, 1999

**CITIZENS' RESPONSE TO FLORIDA WATER SERVICES
CORPORATION'S MOTION TO TOLL TIME FOR SERVICE
OF RESPONSES TO OFFICE OF PUBLIC COUNSEL'S SECOND SET
OF INTERROGATORIES AND THIRD AND FOURTH
REQUESTS FOR PRODUCTION OF DOCUMENTS**

The Citizens of the State of Florida ("Citizens"), by and through their undersigned attorney, file this Response to Florida Water Services Corporation's ("Florida Water") Motion to Toll Time for Service of Responses to Office of Public Counsel's Second Set of Interrogatories and Third and Fourth Request for Production of Documents and all future discovery requests served by parties or staff, pending disposition of Florida Water's Motion to Enforce Mandate, and state:

1. On May 3, 1999, Florida Water filed a Motion to Enforce Mandate with the First District Court of Appeal requesting the Court to review three orders of the Commission issued on remand which, in Florida Water's judgment, violate the mandate issued by the Court in Southern States Utilities v. Florida Public Service Commission, 714 So.2d 1046 (Fla. 1st DCA 1998). In addition, Florida Water filed a Motion for Abatement and Continuance of the Commission's remand proceeding pending disposition of Florida Waters' appeal of the Commission's three orders. In its Motion for Abatement and Continuance, Florida Water argued that "judicial economy for the Commission will be enhanced by resolving pending issues affecting the scope of discovery and

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issues for hearing prior to engaging in **further** discovery, preparation and submission of testimony and participation in the final hearing on remand. In its motion Florida Water requested that the remand proceeding be abated and continued and that new dates for filing of testimony, exhibits, prehearing statements and new dates for the prehearing conference and final hearing be re-established following disposition by the First District Court of Appeal of Florida Water's Motion to Enforce Mandate.

2. In response to Florida Water's Motion for Abatement and Continuance, the Prehearing Officer issued an Order Granting Motion for Abatement and Continuance and Controlling Dates. In this Order No. PSC-99-0800-PCO-WS, the Prehearing Officer stated "with the granting of this Motion, the controlling dates set forth in Order Establishing Procedure, Order No. PSC-99-0181-PCO-WS, are all canceled and will be reset upon completion of the appellate proceedings. Also the date for completion of discovery will be reset upon completion of the appellate proceedings."

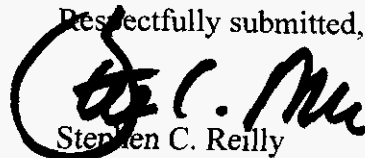
3. As a result of Commission Order No. PSC-99-0800-PCO-WS, the Office of Public Counsel ("OPC") shall not engage in **further** discovery requests until such time as the appellate proceedings have been concluded. However, Florida Water should provide OPC with timely responses to **previously** filed discovery requests which have not been objected to. These include responses to OPC's Second Set of Interrogatories and Third Request for Production of Documents submitted to Florida Water back on April 9, 1999, and OPC's Fourth Request for Production of Documents submitted to Florida Water on April 30, 1999. Florida Water's responses to the unobjected to discovery requests in OPC's Second Set of Interrogatories and Third Request for Production of Documents should have been served to OPC on or before May 10, 1999. Florida

Water's responses to the unobjected to portions of Document Requests Nos. 18 and 19 are required to be served upon OPC on or before May 31, 1999.

4. Pursuant to the requirements of the Commission Orders Nos. PSC-99-0181-PCO-WS and PSC-99-0800-PCO-WS, Florida Water should be required to serve upon OPC responses to the unobjected to discovery requests previously submitted. Most of these responses were due to be served upon OPC a mere two working days after Florida Water filed its Motion to Toll Time for Service of Responses to OPC's Discovery Requests. While OPC will not engage in further discovery pending resolution of Florida Water's appeal to the District Court, Florida Water should be required to submit timely responses to its unobjected to discovery requests already made. The timely collection of this unobjected to material will enhance judicial economy by permitting the discovery of information that even Florida Water believes is appropriate and within the scope of the District Court's mandate, and will be required for any ultimate hearing before the Commission.

WHEREFORE, Florida Water should be required to provide OPC with responses to all unobjected to discovery requests in its Second Set of Interrogatories and Third and Fourth Requests for Production of Documents.

Respectfully submitted,



Stephen C. Reilly
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Office of Public Counsel
c/o The Florida Legislature
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Tallahassee, FL 32399-1400
(850) 488-9330
Attorney 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 Citizens' Response to Florida Water Services Corporation's Motion to Toll Time for Service of Responses to Office of Public Counsel's Second Set of Interrogatories and Third and Fourth Request for Production of Documents on Remand has been furnished by U.S. Mail or *hand delivery to the following party representatives on this 18th day of May, 1999.

Amelia Island Community Association
c/o Arthur Jacobs
P.O. Box 1110
Fernandina Beach, FL 32035-1110

Citrus County
County Attorney Larry Haag
111 W. Main Street, 3rd Floor
Inverness, FL 34450-4852

City of Marco Island
c/o John Jenkins, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

East County Water Control District
Mr. Fred Schlosstein
101 Construction Lane
Lehigh Acres, FL 33971

Florida Water Services
Brian P. Armstrong, Esquire
P.O. Box 609520
Orlando, FL 32860-9520

Harbour Woods Civic Association
Mr. David M. Mynatt
4523 Breakwater Row, West
Jacksonville, FL 32225

Marco Island Fair Water Defense
Fund Committee, Inc.
c/o Frederick Kramer, Esquire
950 N. Collier Blvd., #201
Marco Island, FL 34145

Marion Oaks Homes Association
c/o McWhirter Law Firm
McGlothlin/Kaufman
117 S. Gadsden Street
Tallahassee, FL 32301

Rosanne Gervasi, Esquire*
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Spring Hill Civic Association
President
Post Office Box 3092
Spring Hill, FL 34606

Sugarmill Woods Civic Association
Mr. Ronald Broadbent
6 Byrsonima Loop West
Homosassa, FL 34446

Mike Twomey, Esquire
8903 Crawfordville Road
Tallahassee, FL 32310

The Moorings and the Moorings
Homeowners Association
1400 Prudential Drive, Suite 4
Jacksonville, FL 32207

Kenneth A. Hoffman, Esquire
Rutledge, Ecenia, Purnell & Hoffman, P.A.
Post Office Box 551
Tallahassee, FL 32302

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a horizontal line. The signature is stylized and cursive.

Stephen C. Reilly
Associate Public Counsel