

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 911030-WS
increase in Brevard County by)
GENERAL DEVELOPMENT UTILITIES,)
INC. (Port Malabar Division))
_____)

In re: Application for a rate) DOCKET NO. 911067-WS
increase by GENERAL DEVELOPMENT) ORDER NO. PSC-92-0358-PCO-WS
UTILITIES, INC. in Charlotte,) ISSUED: 05/14/92
DeSoto and Sarasota Counties)
_____)

ORDER ON CITIES' MOTION TO EXPEDITE DISCOVERY

BY THE COMMISSION:

On May 1, 1992, the Cities of North Port and Palm Bay, Intervenor in these proceedings, filed a Motion to Expedite Discovery requesting this Commission to order General Development Utilities, Inc. (GDU), to respond to the Cities' Second Request for Production of Documents no later than May 7, 1992. On May 5, 1992, GDU responded to the Cities' Motion. GDU objected to producing the documents requested in the Cities' second request on the grounds that the Cities failed to diligently pursue areas of inquiry in a timely fashion, and that the requests were unreasonably broad. At the prehearing, GDU agreed to produce fifteen of the twenty two items requested by May 11, 1992. By a response filed after the prehearing, the Cities withdrew their request of three of the remaining items.

Pursuant to the direction of the Prehearing Officer at the Prehearing Conference, the Cities were to identify the specific issues that the requested items relate to and to explain why the production of those items requested is necessary. By their response, the Cities narrowed their request and provided an explanation of the purpose for their request.

On May 11, 1992, GDU filed a response to the Cities' second request for production of documents indicating that it will produce the documents, numbered 7, 8, 10 and 12, as narrowed by the Cities' response. Accordingly, we find the issues raised by the Cities Motion to Expedite Discovery to be moot.

Based on the foregoing, it is

ORDERED by Commission Susan F. Clark that the Motion to Expedite Discovery filed by the City of Palm Bay and the City of North Port is moot.

DOCUMENT NUMBER-DATE

04928 MAY 14 1992

PSC-RECORDS/REPORTS

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By ORDER Commissioner Susan F. Clark, as Prehearing Officer,
this 14th day of May, 1992.


SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

CB/LAJ/KAC

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.