

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate)	DOCKET NO. 920199-WS
increase in Brevard, Charlotte,))	ORDER NO. PSC-92-0932-PCO-WS
Lee, Citrus, Clay, Duval,)	ISSUED: 09/04/92
Highlands, Lake, Marion,)	
Martin, Nassau, Orange,)	
Osceola, Pasco, Putnam,)	
Seminole, Volusia, and)	
Washington Counties by SOUTHERN))	
STATES UTILITIES, INC.; Collier))	
County by MARCO SHORES)	
UTILITIES (Deltona); Hernando)	
County by SPRING HILL UTILITIES))	
(Deltona); and Volusia County)	
by DELTONA LAKES UTILITIES)	
(Deltona))	
_____)	

ORDER DENYING MOTION FOR
RECONSIDERATION OF ORDER NO. PSC-92-0819-PCO-WS

By Order No. PSC-92-0819-PCO-WS, issued August 14, 1992, I denied in part and granted in part the Amended Motion for Protective Order filed by Southern States Utilities, Inc., and Deltona Utilities, Inc., (collectively referred to as "the utility"). In the Order, I gave the utility seven (7) days to respond to the discovery which I found to be appropriate. On August 21, 1992, the utility filed a Motion for Reconsideration of that Order. On August 25, 1992, the Office of Public Counsel (OPC) filed a response to the utility's motion.

In its motion, the utility argues that since it has to respond to approximately sixty-five (65) discovery requests, it is reasonable and appropriate to grant the utility an additional seven (7) days to comply with Order No. PSC-92-0819-PCO-WS. In addition the utility argues that OPC will not be prejudiced by the seven (7) day extension requested, in that on August 20, 1992, the utility and OPC filed a joint motion for a ten (10) day extension of time for submission of OPC's prepared testimony.

In its response OPC maintains that the utility has had up to three (3) months time to prepare answers for discovery and that additional time is not warranted. In addition OPC maintains that the joint motion for a ten (10) day extension of time for which to file testimony was occasioned by the utility's counsel being unavailable during proposed depositions of the utility's personnel; thus, the prejudice caused by an additional delay in receiving discovery would not be diminished.

The utility's Motion for Reconsideration of Order No. PSC-92-0819-PCO-WS is denied. The utility has had the discovery in question for some time and should have realized that its objections

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tolled the time for when responses were due only until the objections were disposed of.

Based on the foregoing, it is, therefore

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that Southern States Utilities, Inc., and Deltona Utilities, Inc.'s, Motion for Reconsideration of Order No. PSC-92-0819-PCO-WS is hereby denied as set forth in the body of this Order.

By Order of Commissioner Betty Easley, as Prehearing Officer, this 4th day of September, 1992.



BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)
MJF

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 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. 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.