

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 920655-WS  
increase in Collier County by ) ORDER NO. PSC-92-1117-PCO-WS  
Marco Island Utilities ) ISSUED: 10/05/92  
(Deltona) )  
\_\_\_\_\_ )

ORDER ON OPC'S MOTION TO PERMIT  
ADDITIONAL INTERROGATORIES

On September 23, 1992, the Office of Public Counsel (OPC) served its First Set of Interrogatories and First Request for Production of Documents on Southern States Utilities, Inc. (Southern States or utility). OPC's First Set of Interrogatories contained 87 interrogatories. On the same date, OPC filed a Motion to Permit Additional Interrogatories. In its motion, OPC requests that the Commission allow it to serve in excess of 30 interrogatories upon the utility. As grounds for its motion, OPC states that its "proposed use of their expanded First Set of Interrogatories is designed to obtain necessary information as quickly as possible so that the extent of any additional discovery requests can be determined well in advance of the hearing."

On September 25, 1992, Southern States filed a Response to Public Counsel's Motion to Permit Additional Interrogatories. In its response, the utility requests that the Prehearing Officer limit Public Counsel's written discovery requests to 80 interrogatories, including all subparts, and 10 requests for production of documents, including all subparts. In the response, the utility states that some requests for information in the instant case are likely to have been previously provided in the Lehigh docket (Docket No. 911188-WS) or in the Southern States docket (Docket No. 920199-WS).

Order No. PSC-92-1080-PCO-WS, Order Establishing Procedure, was issued on September 30, 1992. By that Order, the amount of discovery was limited to 150 interrogatories, including all subparts, and 75 production of documents, including all subparts. Although Order No. PSC-92-1080-PCO-WS did not directly address OPC's Motion or the utility's response, it did, in effect, indirectly grant OPC's request. Therefore, OPC's motion is moot.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Office of Public Counsel's Motion to Permit Additional Interrogatories is moot.

DOCUMENT NUMBER-DATE

11564 OCT -5 1992

OPCO RECORDS/REDACTING

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By ORDER of Susan F. Clark, as Prehearing Officer, this 5th  
day of OCTOBER \_\_\_\_\_, 1992.



SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

LAJ/RG

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.