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in



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison Street
Room 812
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ORIGINAL
FILE COPY

November 1, 1995

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

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Motion For Special Appearance -and- Motion to Strike.

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

Sincerely,

[Signature]
Harold McLean
Associate Public Counsel

- ACK
- AFA 3 HM:bsr
- APP _____ Enclosures
- GAF _____
- CMU _____
- CTR _____
- EAG _____
- LHG 1
- LIN 6
- OTD _____
- ASR _____
- SEC 1
- WFO Willis
- OTH _____

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
10768 NOV-1 95
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: November 1, 1995

MOTION FOR SPECIAL APPEARANCE
-and-
MOTION TO STRIKE

The Florida Public Counsel moves the Florida Public Service Commission (Commission) to permit a special appearance for the limited purpose of moving to strike Southern States Utilities, Inc's (SSU) First Request for Production of Documents to the Office of Public Counsel and the Office of Public Counsel hereby moves the referenced Requests For Production of Documents stricken and as grounds therefore says:

1. On October 25, 1995, SSU served numerous Requests for Production of Documents on, and directed to, the Office of Public Counsel;
2. On October 30, 1995, the Office of Public Counsel served a Petition for Special Appearance and Motion to Strike alleging that interrogatories served on October 20, 1995, were directed to a non-party and should be stricken;
3. The Office of Public Counsel hereby incorporates the

allegations, motion, and petition of its October 30 pleading herein, and directs the same to SSU's Requests for Production filed October 25, 1995;

4. As support for its assertion that non-parties may not be compelled to respond to discovery, the Office of Public Counsel invites the Commission to the holding of Broward v. Kerr, 454 So. 2d 1068 (4th D.C.A. 1984).

WHEREFORE, The Florida Office of Public Counsel moves the Florida Public Service Commission to permit a special appearance for the limited purpose of moving to strike Southern States Utilities, Inc's (SSU) First Set of Requests for Production of Documents to the Office of Public Counsel and the Office of Public Counsel hereby moves to strike the referenced requests for the reasons set forth above.

Respectfully submitted,


Harold McLean
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Office of
Public Counsel appearing
specially

**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 1st day of November, 1995.

*Ken Hoffman, Esq.
William B. Willingham, Esq.
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Matthew Feil, Esq.
Southern States Utilities
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Kjell W. Petersen
Director
Marco Island Civic Association
P.O. Box 712
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*Lila Jaber, Esq.
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Fla. Public Service Commission
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Michael B. Twomey, Esq.
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Harold McLean
Associate Public Counsel