

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 960576-WS
amendment of Certificates Nos.) ORDER NO. PSC-97-0366-PCO-WS
340-W and 297-S in Pasco County) ISSUED: April 2, 1997
by Mad Hatter Utility, Inc.)
_____)

ORDER ON OBJECTION TO PASCO COUNTY'S REQUEST FOR PRODUCTION

On March 19, 1997, Mad Hatter Utility, Inc., (MHU or utility) filed an Objection to Pasco County's Request for Production served on March 4, 1997. On March 31, 1997, Pasco County (County) filed a response thereto, along with a request that the utility be required to produce the requested documents within five days of the date of this Order.

MHU objects generally to any requirement that the documents be produced at the offices of counsel for the County, to the County's definitions as contained in its Request for Production, and to any request that seeks information which is privileged or otherwise protected by Florida law. MHU objects specifically to various of the County's definitions as being, among other things, vague, overly broad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MHU also objects to the County's instructions to the extent that they intend to impose any obligation which exceeds that authorized by the Florida Rules of Civil Procedure including, but not limited to, any attempt to make the requests continuing in nature.

In addition, MHU argues that the County's requests nos. 1, 3, and 5, are overly broad, vague, seek irrelevant information, and are not reasonably calculated to lead to the discovery of admissible evidence, and that the County's request no. 4 seeks public documents which are as readily available to the County as they are to the utility.

Having reviewed the pleadings, including the County's response, MHU's objections are overruled, except for its objection to Request No. 1 which is overly broad. All other documents shall be produced within 10 days of this Order.

In order to effectuate discovery without any further unnecessary delays, MHU and the County are hereby directed to reach agreement on discovery disputes, to the extent possible, prior to filing any further discovery pleadings. Such further pleadings shall describe what efforts have been made to resolve the disputes. Further, to insure completion of discovery within a reasonable

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period of time prior to hearing, responsive pleadings to any further pleadings on discovery shall be filed within 5 days of service of the underlying pleading.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Mad Hatter Utility, Inc.'s, Objection to Pasco County's Request for Production is hereby overruled except for its objection to Request No. 1. It is further

ORDERED that Mad Hatter Utility, Inc., shall produce documents sought in Pasco County's Requests Nos. 2 through 5 within ten days of this Order. It is further

ORDERED that Mad Hatter Utility, Inc., and Pasco County are hereby directed to reach agreement on discovery disputes, to the extent possible, prior to filing any further discovery pleadings. Such further pleadings shall describe what efforts have been made to resolve the disputes. To insure completion of discovery within a reasonable period of time prior to hearing, responsive pleadings to any further pleadings on discovery shall be filed within 5 days of service of the underlying pleading.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 2nd day of April, 1997.



DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 25-22.0376, 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.