

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 920733-WS
increase for Silver Springs)
Shores Division in Marion)
County by GENERAL DEVELOPMENT)
UTILITIES, INC.)
_____)

In re: Application for a rate) DOCKET NO. 920734-WS
increase for Port Labelle) ORDER NO. PSC-93-0157-PCO-WS
Division in Glades and Hendry) ISSUED: 02/01/93
Counties by GENERAL DEVELOPMENT)
UTILITIES, INC.)
_____)

ORDER DENYING MOTION TO DEFER DATE
FOR FILING INTERVENOR TESTIMONY

On January 12, 1993, the Office of Public Counsel (OPC) filed a Motion to Defer Date for Filing Intervenor Testimony in the above-referenced dockets. Order No. PSC-92-1274-PCO-WS, issued November 5, 1992, provided that intervenor testimony must be filed on February 10, 1993. The discovery cut-off date is March 24, 1993, one week prior to hearing. The Commission acknowledged OPC's intervention in each docket on October 12, 1992, by Orders Nos. PSC-92-1165-PCO-WS and PSC-92-1168-PCO-WS.

The only support for OPC's request is that intervenor testimony must be filed before all evidence gathered through discovery is received. Thus, OPC's testimony cannot include matters addressed in the discovery which is received after the testimony filing date.

OPC has not provided sufficient grounds for its request. OPC is not prevented from propounding discovery on General Development Utilities, Inc. (GDU or utility) prior to filing testimony. In fact, OPC has already served some discovery upon the utility, and the utility has provided responses. OPC is not prevented from initiating other discovery in these dockets. Also, it is important to note here that GDU filed its testimony on November 20, 1992. OPC had ample opportunity to conduct discovery since that time.

The discovery process is in no way linked to the dates in which to file testimony. Ordinarily, discovery continues until the week prior to hearing. OPC has failed to show any harm or denial of due process by having to file the intervenor testimony by February 10, 1993. For the reasons stated above, the filing date for intervenor testimony will not be deferred.

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Based on the foregoing, it is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Public Counsel's Motion to Defer Date for Filing Intervenor Testimony is denied.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer this 1st day of February, 1993.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

SFC/LAJ/CB

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