

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dade County Circuit) DOCKET NO. 951270-TI
Court referral of certain issues) ORDER NO. PSC-97-0123-PCO-TI
in Case No. 94-14234-CA-22 (S.H.) ISSUED: February 3, 1997
Dohan & Company, P.A. vs.)
Transcall America, Inc. d/b/a)
ATC Long Distance) that are)
within the Commission's)
jurisdiction.)
_____)

ORDER GRANTING MOTIONS TO COMPEL

On May 2, 1996, Transcall America, Inc. d/b/a ATC Long Distance (Transcall) served its first set of interrogatories and first request for production of documents (PODs) on Dohan & Company, P.A. (Dohan). On June 3, 1996, Dohan served responses to the interrogatories and requests for production of documents. In its responses, Dohan objected to Interrogatories Nos. 2 through 24 on the grounds that the requested information is protected by the attorney-client privilege and/or protected as work product. Dohan also objected to PODs Nos. 1 through 7 as seeking information protected as work product. On November 13, 1996, Transcall filed a Motion to Compel Answers to Interrogatories and a Motion to Compel Production of Documents, along with Requests for Oral Argument on both motions. Dohan's response was due November 26, 1996. To date, Dohan has not responded to either motion to compel.

The objections set forth in Dohan's responses to interrogatories and PODs are insufficient to withstand Transcall's motions to compel. Without further support for its objections set forth in a response to the motions to compel, I must rule on the pleadings before me. Thus, based on the pleadings, Transcall's Motion to Compel Responses to Interrogatories and Motion to Compel Production of Documents is granted. Dohan's objections are overruled.

Oral argument on these pending motions is denied. Since Dohan did not respond to either Motion to Compel, I find the pleadings are sufficient upon which to base my decision.

Based on the foregoing, it is therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Transcall America, Inc. d/b/a ATC Long Distance's Motion to Compel Answers to Interrogatories and Motion to Compel Production of Documents are granted. It is further

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ORDERED that Dohan & Company, P.A. shall file its responses to the compelled interrogatories and requests for production of documents within ten (10) days from the date of the issuance of this Order.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 3rd day of February, 1997.



DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

BC

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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.