

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for water)	DOCKET NO. 910114-WU
certificate in Brevard, Orange)	ORDER NO. 24578
and Osceola Counties by East)	ISSUED: 5/24/91
Central Florida Services, Inc.)	
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ORDER GRANTING IN PART MOTION FOR CONTINUANCE, DISPOSING OF
MOTION FOR EXTENSION OF TIME TO FILE DIRECT TESTIMONY,
LIMITING DISCOVERY, AND REVISING PROCEDURAL ORDER

BY THE COMMISSION:

By Order No. 24356, issued April 12, 1991, the Prehearing Officer established the controlling procedural dates for the above-captioned proceeding. According to that Order, the hearing in this matter was to be held on August 7th and 8th, and East Central Florida Services, Inc., (ECFS or utility) was to file its direct testimony on May 10, 1991. However, on April 24, 1991, ECFS filed a Motion For Continuance and a Motion For Extension Of Time To File Direct Testimony (Motion For Time). In its Motion For Continuance, the utility asks that the hearing be continued from August 7th and 8th to October 30th and 31st. In its Motion For Time, ECFS asks that it be allowed an additional fourteen days, until May 24, 1991, within which to file its direct testimony.

As its reasons for making the Motion For Continuance, ECFS cites a schedule conflict for counsel for Osceola County and the short period of time authorized for its filing testimony under the present hearing schedule. ECFS further states that its counsel has contacted counsel for all of the protesting parties, save one, and that they are in support of its Motion.

I am inclined to grant the Motion For Continuance since there is no statutory deadline to meet in this matter, the issues involved will be somewhat complex, and one motion for extension of time to file testimony has already been made. While what ECFS states in its Motion for Continuance with regard to a panel being available on October 30th and 31st is true, the panel available then is not the same as the panel currently assigned.

Staff has informed me that the only party who objected to rescheduling the hearing to October 2nd and 3rd, which is available for the current panel, was counsel for Osceola County, who stated that the county's utility department was involved in some other litigation until mid October.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. 24578
DOCKET NO. 910114-WU
PAGE 2

While moving the hearing to October 2nd and 3rd may cause some difficulty for one party, I think it will benefit all of the parties by giving them more time within which to prepare their cases. The more prepared the parties are, the better informed the Commission will be. Therefore, with the Chairman's approval, the date for hearing in this matter is moved from August 7th and 8th to October 2nd and 3rd, and the prehearing is moved from July 15th to September 13th. In addition, as the time for prehearing and hearing have been extended, the time for party and Staff filings may also be extended, thus disposing of ECFS's Motion For Time. Accordingly, Order No. 24356 is hereby revised to reflect the following filing dates:

- 1) Utility's direct testimony and exhibits June 14, 1991
- 2) Intervenors' direct testimony and exhibits July 15, 1991
- 3) Staff's direct testimony and exhibits, if any August 5, 1991
- 4) Prehearing statements August 30, 1991
- 5) Rebuttal testimony and exhibits August 22, 1991
- 6) Prehearing conference September 13, 1991
- 7) Hearing at a time and location to be determined October 2 and 3, 1991

Discovery Procedures

The hearing in this docket is presently set for October 2nd and 3rd, 1991. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by September 25, 1991. In addition, to facilitate their identification, all interrogatories, requests for admissions, and requests for production of documents shall be numbered consecutively. Each set of discovery requests shall be numbered sequentially from any previous set(s). Unless authorized by the Prehearing Officer, the

ORDER NO. 24578
DOCKET NO. 910114-WU
PAGE 3


following shall apply: interrogatories, including all subparts, shall be limited to 100, and requests for production of documents, including all subparts, shall be limited to 50.

It is, therefore,

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that the Motion For Continuance and the Motion for Extension of Time To File Direct Testimony filed in the above-captioned cause are granted as set forth in the body of this Order. It is further

ORDERED that Order No. 24356 is hereby revised as set forth hereinabove, but is affirmed in all other respects.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 24th day of MAY, 1991.



GERALD L. GUNTER, 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 120.59(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),

ORDER NO. 24578
DOCKET NO. 910114-WU
PAGE 4

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 sewer 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.