

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930851-SU
Amendment of Certificate No.) ORDER NO. PSC-94-1055-PCO-SU
249-S in Volusia County by NORTH) ISSUED: August 29, 1994
PENINSULA UTILITIES CORPORATION.)

ORDER GRANTING VOLUSIA COUNTY'S MOTION FOR EXTENSION OF TIME

AND

RESCHEDULING CERTAIN KEY DATES

On July 20, 1994, this Commission issued an Order Establishing Procedure (Order No. PSC-94-0891-PCO-SU) which established requirements for discovery, filings, notice, testimony and exhibits, prehearing statements, prehearing conference, waiver of issues, document identification, controlling dates, the use of confidential information, and post-hearing procedures. On August 9, 1994, this Commission issued an Order Revising Order Establishing Procedure (Order No. PSC-94-0962-PCO-SU) revising several of the controlling dates to allow additional time for the filing of testimony, and rescheduling the formal hearing from October 26, 1994, to November 1, 1994.

On August 22, 1994, intervenor, the Volusia County Council (County), moved for a five-day extension of time in which to file its direct testimony and exhibits. In support of its motion, the County states that the County Council met on August 11, 1994, to evaluate its position in this cause. Because the County Council voted to continue the issue to its September 15, 1994, meeting, the County requests revision of Order Nos. PSC-94-0891-PCO-SU and PSC-94-0962-PCO-SU, to enable the County to submit its testimony after the meeting. North Peninsula Utilities Corporation supports the County's motion, but opposes granting the same five-day extension of time to intervenor customers. Intervenor customers do not object to the granting of this motion provided they are granted the same additional five-day extension of time.

In consideration of the above, the County's motion should be granted. In order to allow time for the County to file its testimony after the September 15, 1994, meeting of the County Council, and to provide all other parties and Staff the same amount of additional time in which to file testimony due subsequent to the County's deadline, the following dates shall control in this docket:

DOCUMENT NUMBER-DATE

08861 AUG 29 1994

FPSC-RECORDS/REPORTING

- | | |
|--|--------------------|
| 1) Utility's direct testimony and exhibits | August 22, 1994 |
| 2) Intervenors direct testimony and exhibits | September 19, 1994 |
| 3) Staff's direct testimony and exhibits, if any | September 28, 1994 |
| 4) Rebuttal testimony and exhibits | October 5, 1994 |
| 5) Prehearing Statements | October 5, 1994 |
| 6) Prehearing Conference | October 11, 1994 |
| 7) Hearing | November 1, 1994 |
| 8) Briefs | November 29, 1994 |

Based upon the foregoing, it is therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that Order Nos. PSC-94-0891-PCO-SU and PSC-94-0962-PCO-SU are hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-94-0891-PCO-SU is reaffirmed in all other respects.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 29th day of August, 1994.



JULIA L. JOHNSON, 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), 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.