

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Florida Public Utilities Company to resolve territorial dispute with _____

DOCKET NO. 040278-GU

ORDER NO. PSC-04-0960-PCO-GU

ORDER REVISING PROCEDURAL SCHEDULE

Order No. PSC-04-0716-PCO-GU, issued July 21, 2004, in this docket, established the schedule for this proceeding. The dates for the filing of direct testimony by both parties, intervenors, and staff, as well as all rebuttal testimony, have been revised as a result of the impact of recent hurricanes on the availability of resources to both parties. The new controlling dates for this docket are listed below:

- | | |
|---|------------------|
| 1) Direct testimony and exhibits of both parties | November 3, 2004 |
| 2) Intervenors' direct testimony and exhibits, if any | December 3, 2004 |
| 3) Staff's direct testimony and exhibits, if any | December 3, 2004 |
| 4) All rebuttal testimony and exhibits | January 18, 2005 |

All other dates established in Order No. PSC-04-0716-PCO-GU shall be controlling for this proceeding except as modified by this Order. The dates for the prehearing conference and the hearing remain the same. The prehearing conference is scheduled for February 28, 2005, and the hearing is scheduled for March 16-17, 2005.

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the controlling dates are revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0716-PCO-GU is reaffirmed in all other respects. It is further

ORDERED that the dates for the prehearing conference and the hearing remain the same. The prehearing conference is scheduled for February 28, 2005, and the hearing is scheduled for March 16-17, 2005.


DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
1st day of October, 2004.



RUDOLPH "RUDY" BRADLEY
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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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; or (2) 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 the Commission Clerk and Administrative Services, 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.