

M E M O R A N D M

November 20, 1939

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (SWIM) *DS* *(M.S.C.)*  
RE: DOCKET NO. 891020-WS - COMPLAINTS OF VILANO VENTURE  
AGAINST NORTH BEACH UTILITIES, INC., IN ST. JOHNS  
COUNTY FOR FAILURE TO COMPLY WITH FPSC REGULATIONS

222/2

Attached is an Order Revising Filing Schedule, consisting of -6- pages, which is ready to be issued. Please let me know if you have questions.

DAS/dlc

Attachment/Order

cc: Division of Water and Sewer

DOCUMENT NUMBER-DATE  
11392 NOV 21 1939  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaints of VILANO VENTURE ) DOCKET NO. 891020-WS  
against NORTH BEACH UTILITIES, INC., ) ORDER NO. 22212  
in St. Johns County for failure to ) ISSUED: 11-21-89  
comply with FPSC regulations )  
\_\_\_\_\_ )

ORDER REVISING FILING SCHEDULE

On July 24, 1989, Vilano Ventures, Inc.), ("Vilano" or "Developer"), filed two complaints against North Beach Utilities, Inc., ("NBU" or "utility"). The first complaint, the "Water Complaint", addresses operation of the water system. The second complaint, the "Agreement Complaint", addresses the propriety of service availability charges in an October 26, 1986 agreement which was the subject of Docket No. 891120-WS - Request by North Beach Utilities, Inc. for Approval of Special Service Availability Contract with Vilano Ventures, Inc. By Order No. 22055, issued October 13, 1989, Docket No. 891120-WS was consolidated with this docket. The consolidated matter is currently set for an administrative hearing on February 19, 1990, with a prehearing conference to be held on January 31, 1990.

On October 30, 1989, this Commission issued Order No. 22109 establishing prehearing procedures in the consolidated case. On November 13, 1989, NBU and VVI filed a Stipulated Motion for Revision of the filing schedule established in Order No. 22109, attached as Exhibit A, and incorporated herein. The motion alleges that the filing date revisions will facilitate a more orderly record, result in a well-delineated presentation of the issues, and aid in ongoing settlement efforts. We note that the motion requests scheduling of prehearing statements on January 29, 1990. This date would not allow adequate time for the Commission staff to prepare a draft prehearing order prior to the January 31, 1990 prehearing conference.

In consideration of the foregoing, we find it appropriate to grant the Stipulated Motion for Revision of Filing Schedule with the following amendment: Prehearing statements shall be filed by January 25, 1990 and any revisions to said statements necessitated by rebuttal testimony shall be made at the prehearing conference.

DOCUMENT NUMBER-DATE

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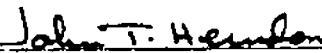
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WHEREFORE, it is

ORDERED that the stipulated Motion for Revision of Filing Schedule is approved as modified herein. It is further

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 21st day of NOVEMBER, 1989.

  
\_\_\_\_\_  
JOHN T. HERNDON, Commissioner  
and Prehearing Officer

( S E A L )

DAS

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

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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.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Complaint of Vilano Venture, )  
Inc., against North Beach Utilities, ) Docket No. 891020-WS  
Inc. )

STIPULATED MOTION FOR REVISION OF FILING SCHEDULE

North Beach Utilities ("NBU") files this Stipulated Motion for Revision of Filing Schedule and in support thereof would state and allege as follows:

1. The consolidated hearing currently scheduled for February 19, 1990 herein is essentially a hearing on two separate complaints filed by VVI and on a request by NBU for approval of a Special Service Availability Contract with VVI. In order to address these two complaints, as well as that docket in which NBU has requested approval of the above-referenced Agreement, the parties jointly request and recommend to the Commission the following schedule:

A) For the VVI "water complaint" and the VVI "agreement complaint" (as those terms are used in the Order Establishing Prehearing Procedure), the following schedule:

Preliminary List of Issues - November 17, 1989.  
Informal Preliminary Conference - November 17, 1989.  
VVI Direct Testimony and Exhibits - December 15, 1989  
NBU Response to Direct Testimony and Exhibits - January 12, 1990.  
VVI Rebuttal - January 26, 1990.  
Prehearing Statements of both parties - January 29, 1990.  
Prehearing Conference - January 31, 1990.  
Hearing - February 19, 1990.

B) For the request of NBU for approval of the Special Service Availability Contract with VVI:

Preliminary List of Issues - November 17, 1989.  
Informal Preliminary Conference - November 17, 1989.

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NBU Direct Testimony and Exhibits - December 15, 1989.  
VVI Response to Direct Testimony and Exhibits - January  
12, 1990.  
NBU Rebuttal - January 26, 1990.  
Prehearing Statements - January 29, 1990.  
Prehearing Conference - January 31, 1990.  
Hearing - February 19, 1990.

2. The parties, after consultation, jointly submit that these extended filing dates will not only facilitate a more orderly record and present the issues involved herein in a well-defined and well-delineated matter, but that the extension of these filing dates from those presently contemplated by the Order Establishing Prehearing Procedure, of October 30, 1989, will aid the parties in attempting to settle, or at least narrow the issues in, this proceeding. The parties are currently actively engaged in such negotiations and intend to continue to actively engage in such negotiations with the ultimate aim of obviating the need for a hearing on this matter, or at a minimum narrowing the scope of any hearing necessitated by these issues.

WHEREFORE, and in consideration of the above, the parties jointly request that the Prehearing Officer grant this Stipulated Motion For Revision of Filing Schedule, and issue a new Order Establishing Prehearing Procedure with the "controlling dates" to reflect the amended schedule requested above.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been hand delivered to John R. Marks, III, Esq., 315 South Calhoun Street, Suite 800, Tallahassee, Florida 32301 and to Debra Swim, Esq., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32301 on this 13<sup>th</sup> day of November, 1989

  
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John L. Wharton