

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a Rate ) DOCKET NO. 920733-WS  
Increase for Silver Springs )  
Shores Division in Marion County )  
by GENERAL DEVELOPMENT )  
UTILITIES, INC. )  

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In Re: Application for a Rate ) DOCKET NO. 920734-WS  
Increase for Port LaBelle ) ORDER NO. PSC-93-0574-PCO-WS  
Division in Glades and Hendry ) ISSUED: April 14, 1993  
Counties by GENERAL DEVELOPMENT )  
UTILITIES, INC. )  

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ORDER SUPPLEMENTING ORDER ESTABLISHING PROCEDURE  
FOR PURPOSES OF CAPITAL STRUCTURE PORTION OF HEARING

The administrative hearing for the above-referenced dockets was held March 31, 1993, through April 2, 1993. Pursuant to Commission Staff's request, the portion of the case involving capital structure was postponed for a fourth day of hearing in Tallahassee, Florida.

The scope of this portion of the proceeding shall be based upon the three remaining issues relating to capital structure. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes, and the rules of this Commission.

Discovery

The fourth day of hearing in these dockets will be held June 10, 1993. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by June 3, 1993. The specific provisions regarding discovery were set forth previously in Order No. PSC-92-1274-PCO-WS, issued November 5, 1992, and are incorporated herein by reference.

Prefiled Testimony and Exhibits

Pursuant to Rule 25-22.048, Florida Administrative Code, each party shall prefile, in writing, any additional testimony that it intends to sponsor for this portion of the hearing. The specific provisions regarding prefiled testimony and exhibits were set forth previously in Order No. PSC-92-1274-PCO-WS and are incorporated herein by reference.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS MANAGEMENT

Controlling Dates

The following dates have been established to govern the key activities of the remaining portion of this case and are to be restricted to the three capital structure issues remaining.

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| 1) Staff supplemental direct testimony and exhibits, if any        | May 3, 1993   |
| 2) Intervenors' supplemental direct testimony and exhibits, if any | May 3, 1993   |
| 3) Rebuttal testimony and exhibits                                 | May 17, 1993  |
| 4) Discovery Complete  | June 3, 1993  |
| 5) Last day of hearing   | June 10, 1993 |
| 6) Transcripts   | June 11, 1993 |
| 7) Briefs  | June 18, 1993 |
| 8) Staff Recommendation  | June 30, 1993 |
| 9) Agenda  | July 6, 1993  |

Post-hearing procedure

Pursuant to Rule 25-22.056, Florida Administrative Code, each party is required to file a post-hearing statement of issues and positions. The post-hearing statement shall include a summary of each position of no more than 50 words, set off with asterisks. If a party's position has not changed since the issuance of the prehearing order, the party's post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words it must be reduced to no more than 50 words. In the event that a new issue is identified by a party in a post-hearing statement, that new issue shall be clearly identified as such, and a statement of position thereon shall be included. Any issue or position not included in a post-hearing statement shall be considered waived.

ORDER NO. PSC-93-0574-PCO-WS  
DOCKETS NOS. 920733-WS, 920734-WS  
PAGE 3

Order No. PSC-92-1274-PCO-WS previously required that all post-hearing memoranda, including proposed findings of fact, conclusions of law, recommended orders, and briefs, shall be no more than 125 pages combined and shall be filed simultaneously. While the page limit previously established is appropriate, parties must be aware that the 125-page limit is cumulative with respect to the two opportunities afforded in this proceeding for filing post-hearing memoranda. That is, the combined total number of pages applicable to all post-hearing memoranda filed in this proceeding shall not exceed 125 pages.

Proposed findings of fact and conclusions of law are not required. If proposed findings of fact are submitted, the proposed findings must conform with Rule 25-22.056(2)(a) and (b), Florida Administrative Code. In addition, each proposed finding shall be separately stated, numbered consecutively and shall be a succinct statement not to exceed 3 sentences in length. Proposed findings of fact shall not contain mixed questions of fact and law. Each proposed finding of fact shall cite to the record, identifying the page and line of the transcript or exhibit that supports the particular finding. Proposed findings shall identify the issue to which they relate and shall be grouped by issue, following the order of issues appearing in the Prehearing Order. Any written statement which is not clearly designated as a proposed finding of fact shall be considered to be legal argument rather than a proposed finding of fact. Arguments in briefs must be identified by issue number.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

ORDERED that Order No. PSC-92-1274-PCO-WS shall be supplemented to the extent set forth above, but is reaffirmed in all other aspects.

ORDER NO. PSC-93-0574-PCO-WS  
DOCKETS NOS. 920733-WS, 920734-WS  
PAGE 4

By ORDER of Commissioner Susan F. Clark, as Prehearing  
officer, this 14th day of April, 1993.



SUSAN F. CLARK, Commissioner and  
Prehearing Officer

( S E A L )

LAJ

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.