



Most of the parties in this case filed their respective testimony more than six months ago. While parties should not be allowed to change their testimony at will, especially immediately prior to the hearing, or to the extent that it will cause surprise, the Commission should make its decision based upon the most current information. In this case, Wimpey's request appears reasonable. Therefore, Wimpey's motion, with respect to leave to file amended testimony, is hereby granted. It is also appropriate to allow all parties to file amended testimony, but only to the extent necessary to address any new information regarding JJ's ability to serve its current and proposed territory, and which was not discoverable prior to the original filing of testimony.

#### Prefiled Testimony of Adverse Witnesses

In anticipation of the October 13-14, 1994 hearing, several parties filed prehearing statements indicating that they wished to call witnesses who had not prefiled testimony. These witnesses were identified as Thomas Walden, Thomas Williams, and Jordan Hypes (OPC), and James Schuster (utility) Because the parties indicated that the witnesses were adverse, and because of the immediacy of the hearing, the parties were permitted to call those individuals at hearing to offer live testimony.

Prefiled testimony affords parties, the Commission Staff, and the Commission the opportunity to review and prepare for the hearing. I note that depositions were taken of all of the witnesses previously denominated as adverse. As a continuance of approximately three months has now been granted, I find it appropriate to require parties to prefile the transcripts of the depositions already taken as prefiled testimony. The transcripts shall be prefiled on the date set forth below.

#### Discovery

During the course of the February 3, 1995, telephone motion hearing, parties stated that they required further time to conduct discovery as to new information and positions recently raised in these dockets. In its response to OPC's motion for continuance, the utility stated that it opposed any new discovery to JJ's. While the parties have had sufficient opportunity to conduct discovery as to information and positions already raised in this docket, I find it appropriate to permit discovery solely as to any new information regarding the utility's ability to serve which became known only after the issuance of the October 6, 1994 Prehearing Order.

Prehearing Statements

Parties shall file amended prehearing statements by April 24, 1995. A Prehearing Conference will be held on May 3, 1995, in order to address any pending matters and review the parties' positions on the respective issues. In its motion, Wimpey has also requested leave to amend its prehearing statement. Because parties will be required to file an amended prehearing statement, Wimpey may file its statement at that time.

The following key dates will govern in this docket:

Testimony*	April 10, 1995
Rebuttal Testimony*	April 17, 1995
Prehearing Statements	April 24, 1995
Discovery Actions Complete	April 24, 1995
Prehearing	May 3, 1995
Hearing	May 11-12, 1995
Briefs Due	June 9, 1995

\* Parties are required to file testimony for witnesses who have not previously prefiled testimony. Parties may only file amended testimony and amended rebuttal testimony as to newly raised information.

Except as modified herein, the previous orders on procedure, Orders Nos. PSC-93-0147-PCO-WS, PSC-93-0217-PCO-WS, PSC-93-1724-PCO-WS, PSC-94-0471-PCO-WS and PSC-95-0094-PCO-WS are affirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that George Wimpey of Florida, Inc.'s motion to file amended testimony and a prehearing statement is hereby granted. It is further

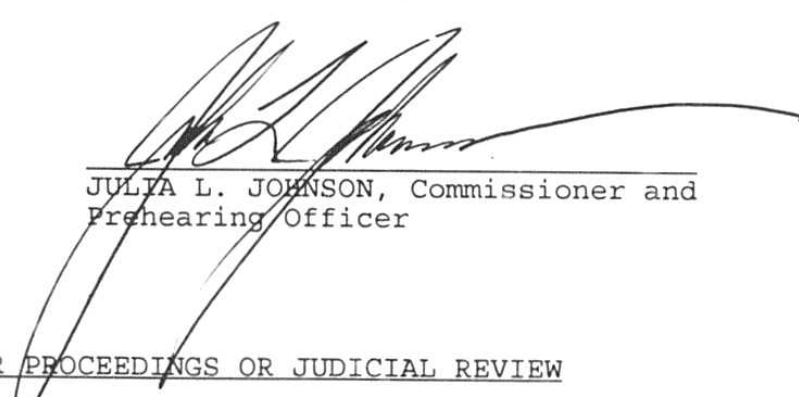
ORDERED that the parties shall prefile the testimony of the individuals listed herein and identified as adverse witnesses, by April 10, 1995. It is further

ORDERED that Orders Nos. PSC-93-0147-PCO-WS, PSC-93-0217-PCO-WS, PSC-93-1724-PCO-WS, PSC-94-0471-PCO-WS and PSC-95-0094-PCO-WS are hereby revised as set forth in the body of this Order. It is further

ORDER NO. PSC-95-0208-PCO-WS  
DOCKETS NOS. 921237-WS, 940264-WS  
PAGE 4

ORDERED that, except as modified herein, Orders Nos. PSC-93-0147-PCO-WS, PSC-93-0217-PCO-WS, PSC-93-1724-PCO-WS, PSC-94-0471-PCO-WS and PSC-95-0094-PCO-WS are affirmed in all other respects.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th day of February, 1995.



JULIA L. JOHNSON, Commissioner and  
Prehearing Officer

( S E A L )

MEO

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.