

MEMORANDUM

AUGUST 8, 1997

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CAPELESS) *JSC*

RE: DOCKET NO. 961321-WS - APPLICATION FOR CERTIFICATES TO
PROVIDE WATER AND WASTEWATER SERVICE IN CLAY COUNTY BY
POINT WATER AND SEWER, INC.

PSC-97-0954-PCD

Attached is an Order Extending the Time for Filing Deposition
Testimony to be issued in the above referenced docket. (Number of
pages in Order - 3)

RGC:mw

Attachment

cc: Division of Water & Wastewater (Brady, Redemann)

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MUST GO TODAY

*4 mailed
2 faxed*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificates to provide water
and wastewater service in Clay
County by Point Water and Sewer,
Inc.

DOCKET NO. 961321-WS
ORDER NO. PSC-97-0954-PCO-WS
ISSUED: August 11, 1997

ORDER EXTENDING TIME FOR FILING DEPOSITION TESTIMONY

On November 4, 1996, Point Water and Sewer, Inc. (PWS or utility), filed an application for certificates to provide water and wastewater service in Clay County. On November 22, 1996, the Point Property Owners Association, Inc. (PPOA), objected to PWS's application. Accordingly, the matter was scheduled for a customer service hearing on July 31, 1997, and a hearing on August 1, 1997. A prehearing conference was held on July 8, 1997, during which a ruling was made permitting PWS to file, within ten days, the deposition testimony of two adverse witnesses, Ms. Lori Easterling and Mr. Frank Kasper.

By Order No. PSC-97-0888-PCO-WS, issued July 28, 1997, the parties' Joint Emergency Motion for Continuance of the hearing was granted. Also granted by that Order was the parties' request for an extension of time for PWS to file the testimony of the above-named adverse witnesses. PWS was ordered to file the testimony of these two witnesses by August 15, 1997. Any intervenor and/or staff witness testimony in response thereto was ordered to be filed by August 29, 1997.

On August 1, 1997, PWS and PPOA filed another Joint Motion for Continuance, requesting that the time for filing the adverse deposition testimony of the above-named witnesses be extended through and including September 15, 1997, and that the date for filing intervenor or staff testimony in response thereto be extended through and including September 29, 1997. As grounds therefor, the parties state that their ongoing settlement negotiations will not be completed prior to August 15, 1997, and that taking the depositions prior to the time that formal negotiations are attempted would not be cost effective, nor would it be conducive to facilitating a settlement.

Having reviewed the motion, I find it appropriate to grant the parties' request for continuance. The adverse deposition testimony

DOCUMENT NUMBER-DATE

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of Ms. Lori Easterling and Mr. Frank Kasper shall be filed by September 16, 1997, and any intervenor or staff testimony in response thereto shall be filed by September 30, 1997. The parties shall notify the Commission of the status of their settlement negotiations by October 15, 1997, so that appropriate action may be taken with respect to rescheduling the hearing and other key activities of this case.

Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Joint Motion for Continuance of Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., is hereby granted as set forth in the body of this Order. It is further

ORDERED that the adverse witness testimony of Ms. Lori Easterling and Mr. Frank Kasper shall be filed by September 16, 1997, and any intervenor and/or staff testimony shall be filed in response thereto by September 30, 1997. It is further

ORDERED that Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., shall notify the Commission of the status of their settlement negotiations by October 15, 1997, so that appropriate action may be taken.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 11th day of August, 1997.



JOE GARCIA

Commissioner and Prehearing Officer

(S E A L)

RGC

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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, 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.