

SUZANNE BROWNLESS, P. A.
ATTORNEY AT LAW
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

ORIGINAL

ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAW

TELEPHONE (850) 877-5200
TELECOPIER (850) 878-0090

February 23, 2001

RECEIVED-FPSC
01 FEB 23 PM 3:16
RECORDS AND REPORTING
BY HAND DELIVERY

Blanca Bayo
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

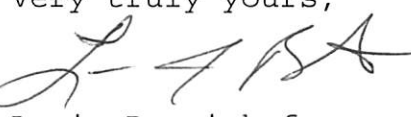
Docket No. 990696-WS
In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Docket No. 992040-WS
In re: Application for certificates to operate water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen copies of St. Johns County, Florida's, JEA's and Nocatee Utility Corporation's Joint Motion for Continuance.

Please stamp a copy and return to us for our files. If you should have any questions please contact me at 850-877-5200.

Very truly yours,


Lewis Barwick for
Suzanne Brownless
Attorney for St. Johns County

APP
CAF
CMP
COM
CTR
ECR
LEG
OPC
PAI
RGO
SEC
SER
OTH

RECEIVED & FILED
Mont K.
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02561 FEB 23 01

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application by Nocatee Utility Corporation for original certificates for water and wastewater service in Duval and St. Johns Counties, Florida.)	DOCKET NO. 990696-WS
_____)	
IN RE: Application for certificates to operate a water and wastewater utility in Duval and St. Johns County by Intercoastal Utilities, Inc.)	DOCKET NO. 992040-WS
_____)	

ST. JOHNS COUNTY, FLORIDA'S, JEA'S AND NOCATEE UTILITY CORPORATION'S JOINT MOTION FOR CONTINUANCE

St. Johns County, Florida, JEA and Nocatee Utility Corporation file this Joint Motion For Continuance and in support thereof state as follows:

1. Order No. PSC-00-1462-PCO-WS, issued on August 11, 2000, set the Prehearing in this docket at March 12, 2001 and the hearing dates for April 4-6, 2001. The date for the prehearing was subsequently rescheduled by the Commission to March 28, 2001.

2. At the St. Johns County Board of County Commissioners' (Board) meeting on Tuesday, February 20, 2001, JEA presented to the County Commission a proposal which would allow JEA to provide Northeast St. John's County with retail water and wastewater services from planned and existing JEA facilities in that area. Under JEA's proposal, JEA, with NUC's consent, would provide retail service to the Nocatee development in St. Johns County, the territory at issue in this docket. No vote was taken on the JEA proposal, but it has been rescheduled for consideration by the Board at a subsequent Board meeting.

3. At that meeting the Board also instructed the County

DOCUMENT NUMBER-DATE

02561 FEB 23 2001

Utility Department to present to the Board a revised proposal for the acquisition of Intercoastal Utilities, Inc. (ICU) by the County for their consideration at their next meeting on March 6, 2001. In light of these circumstances, the Board reached a unanimous consensus that the County Utility Department should be instructed to request that the hearing in this docket be continued until May 1, 2001 or the first available date thereafter in order to give the Board time to act on the acquisition of ICU and on JEA's proposal.

4. Discovery in this docket is currently scheduled to end on March 28, 2001 and to that end parties have scheduled the depositions of 14 witnesses in Jacksonville from March 5 through March 15, 2001. Obviously, all parties will have to expend considerable time and effort in preparing for and attending these depositions, which could be unnecessary depending on the actions of the Board on March 6th. It is also clear that the positions of the parties to this case, and the parties themselves, could also be radically changed if either the JEA proposal or the acquisition of ICU is approved by the Board on March 6th.

5. Continuance of this docket will benefit the Commission and the affected public in St. Johns and Duval Counties. NUC, the original applicant seeking certification to provide water and wastewater service to the Nocatee development, has joined in this motion to give NUC time to evaluate JEA's proposal. The County believes that the legal issues concerning Commission and County jurisdiction involved in this case are complex and of first impression. If all of the substantially affected governmental and

private parties are able to reach a mutually satisfactory resolution concerning the provision of water and wastewater services to this large intercounty development, the need for any further expenditures in this case, and possibly even the need for an administrative hearing before the Commission at all can be avoided. That is clearly in everyone's best interests.

6. The DRI hearing before the Board for this development is being held on February 22 and 23, 2001. NUC now estimates that service will not be needed until early 2002.

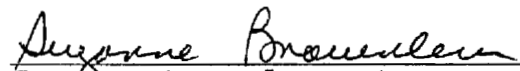
7. Counsel for the County has contacted the counsel for the Sawgrass Association and he has no objection to this continuance. The counsel for ICU does object.

WHEREFORE, St. Johns County, Florida, JEA and Nocatee Utility Corporation request that the Commission issue an order which:

a) Continues the final hearing in this case until May 1, 2001 or as soon thereafter as can be scheduled and

b) Adjusts the dates for completion of discovery, and other dates as the Commission deems appropriate, in accord with the new hearing dates.

Respectfully submitted this 23rd day of February, 2001 by:


Suzanne Brownless, Esq.
1311-B Paul Russell Road
Suite 201
Tallahassee, FL 32301
(850) 877-5200
Attorney for St. Johns County,
Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Hand Delivery (*), facsimile (**) and U.S. Mail this 23rd day of February, 2001 to the following persons:

Richard D. Melson, Esq.
Hopping Law Firm
P.O. Box 6526
Tallahassee, Florida 32314-6526

(*) Samantha Cibula, Esq.
Division of Legal Services
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. Stephen Menton, Esq.
Kenneth A. Hoffman, Esq.
Rutledge Law Firm
P.O. Box 551
Tallahassee, Florida 32302

Michael J. Korn, Esq.
Korn & Zehmer, P.A.
Suite 200, Southpoint Bldg.
6620 Southpoint Drive South
Jacksonville, FL 32216

(*) John L. Wharton, Esq.
Rose Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301


Suzanne Brownless, Esq.

c: 3338