

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of)	DOCKET NO. 880294-WS
Certificates 416-W and 351-S from FOX))	ORDER NO. 21950
RUN UTILITIES, INC. in Martin County)	ISSUED: 9-27-89
to SOUTHERN STATES UTILITIES, INC.)	
)	

ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO PREFILE DIRECT TESTIMONY

By Order No. 19860, issued August 22, 1988, this Commission approved the transfer of Fox Run Utilities, Inc. (Fox Run) to Southern States Utilities, Inc. (Southern States). On June 19, 1989, by Order No. 21408, we proposed to establish rate base for Fox Run as of the date of the transfer. On July 10, 1989, the Office of Public Counsel (OPC) filed a timely protest to Order No. 21408. Accordingly, this case is scheduled for an administrative hearing on December 18, 1989, with a prehearing conference to be held on November 20, 1989.

By Order No. 21803, issued August 29, 1989, the Prehearing Officer established a schedule to govern key activities in this case. Under the provisions of Order No. 21803, Southern States is to prefile its direct testimony no later than September 29, 1989.

On July 28, 1989, Southern States filed a motion to dismiss OPC's protest along with a motion for a more definite statement. On August 2, 1989, OPC filed a response to Southern States' motions. The Staff of this Commission (Staff) originally intended to file a recommendation regarding Southern States' motions for the Commission's consideration at the September 19, 1989 Agenda Conference; however, due to settlement negotiations between OPC and Southern States, Staff decided to withhold the recommendation until such time as the settlement negotiations either proved successful or broke down. After being informed that the settlement negotiations had terminated, Staff filed its recommendation for the Commission's consideration at the October 3, 1989 Agenda Conference.

On September 20, 1989, Southern States, OPC and Staff met to identify issues for this case. At this meeting, OPC and Southern States renewed their settlement negotiations. Southern States also enquired whether OPC or Staff would oppose an extension of time, until after the Commission rules on its

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motion to dismiss, for Southern States to prefile its direct testimony. Neither OPC nor Staff expressed any objection to such an extension.

On September 21, 1989, Southern States filed an unopposed motion for extension of time. Based upon its motion to dismiss and the pending settlement negotiations, Southern States requested that it be given until October 13, 1989, or ten days after the Commission rules on its motion to dismiss, to prefile direct testimony. Southern States argues that, by granting its motion for extension of time, unnecessary litigation expenses may be avoided. In addition, Southern States argues that no harm will be done to the case schedule by such an extension.

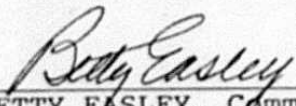
Based upon the discussion above, it appears appropriate to grant Southern States' motion for extension of time.

It is, therefore,

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that Southern States Utilities, Inc.'s motion for an extension of time to prefile direct testimony is hereby granted. It is further

ORDERED that Southern States Utilities, Inc. shall prefile its direct testimony no later than October 13, 1989.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 27th day of SEPTEMBER, 1989.



BETTY EASLEY, Commissioner and
Prehearing Officer

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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 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.