

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Request by FLORIDA WATERWORKS |) | DOCKET NO. 860184-PU |
| ASSOCIATION for investigation of |) | |
| proposed repeal of Section 118(b), |) | ORDER NO. 21980 |
| Internal Revenue Code (Contributions- |) | |
| in-aid-of-Construction) |) | ISSUED: 10-2-89 |
| |) | |

ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO PREFILE TESTIMONY

By Order No. 16971, issued December 18, 1986, this Commission authorized corporate water and sewer utilities to elect to "gross-up" contributions-in-aid-of-construction (CIAC) in order to offset the tax impact of an amendment to Section 118(b), Internal Revenue Code, under the Tax Reform Act of 1986. To date, forty-four water and/or wastewater utilities have elected to implement such a gross-up.

By Order No. 21266, issued May 22, 1989, this Commission proposed to establish guidelines to control the collection of taxes on CIAC. On or about June 12, 1989, a number of substantially affected persons filed protests to Order No. 21266.

By Order No. 21436, issued as proposed agency action on June 26, 1989, this Commission required a number of water and/or wastewater utilities to refund certain amounts of contributed taxes and others to make adjustments to their depreciation reserves. On or about July 17, 1989, a number of substantially affected persons filed protests to Order No. 21436.

As a result of the protests to Orders Nos. 21266 and 21436, an administrative hearing has been set for April 26 and 27, 1990, with a prehearing conference to be held on April 12, 1990.

By Order No. 21801, issued August 29, 1989, the Prehearing Officer established a schedule to govern key activities in this case. Pursuant to the provisions of Order No. 21801, those parties who protested Orders Nos. 21266 and 21436 are to prefile their direct testimony on or before October 27, 1989.

On September 11, 1989, Alafaya Utilities, Inc., Aloha Utilities, Inc., Canal Utilities, Inc., Clay Utility Company, Eagle Ridge Utilities, Inc., El Agua Utilities, Inc., Forest Utilities, Inc., Intercoastal Utilities, Inc., Kingsley Service Company, Martin Downs Utilities, Inc., Neighborhood Utilities,

DOCUMENT NUMBER-DATE
09841 OCT -2 1989
RECORDS/REPORTING

ORDER NO. 21980
DOCKET NO. 860184-PU
PAGE 2

Inc., North Fort Myers Utility, Inc., Ponte Vedra Utilities, Inc., Royal Utility Company, Inc., St. Johns Service Company and Southside Utilities, Inc. (petitioners), filed a motion for extension of time to prefile their direct testimony. Petitioners argue that the issues involved in this case are complicated and that they need additional time to hire consultants, accumulate data and prepare their testimony. Petitioners further argue that, due to the large amount of time between the respective testimony filing dates and the approximately six months before the hearing on these matters, no one will be prejudiced by granting their motion. Accordingly, the petitioners request that they be granted until November 17, 1989 to prefile their direct testimony.

On September 14, 1989, the Florida Waterworks Association, Palm Coast Utility Corporation and Meadowbrook Utility Systems, Inc. joined in and adopted the petitioners' motion. No responses have been filed to the motions and the time for filing such has expired.

Upon consideration, it does not appear that granting the motion for extension of time will prejudice any party or do any harm to the case schedule. The motion is, therefore, granted.

Based upon the foregoing, it is

ORDERED by Chairman Michael McK. Wilson that the motions for extension of time to prefile direct testimony are hereby granted, as set forth in the body of this Order. It is further

ORDERED that the parties listed in the body of this Order shall prefile their direct testimony no later than November 17, 1989.

By ORDER of Chairman Michael McK. Wilson this 2nd day of October, 1989.


MICHAEL MCK. WILSON, Chairman

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RJP

ORDER NO. 21980
DOCKET NO. 860184-PU
PAGE 3

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.