

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of)	DOCKET NO. 900802-SU
Certificate No. 187-S to delete and)	
extend territory in Lee County by)	
SANIBEL SEWER SYSTEM PARTNERS, LTD.)	
_____)	

In re: Application for amendment of)	DOCKET NO. 910476-SU
Certificate No. 187-S in Lee County by)	ORDER NO. 24399
SANIBEL SEWER SYSTEM PARTNERS, LTD.)	ISSUED: 4-22-91
_____)	

ORDER ACKNOWLEDGING OBJECTION,
GRANTING MOTION FOR CONSOLIDATION AND
MODIFYING PROCEDURAL ORDER

On April 8, 1991, the City of Sanibel filed the following three documents: Objection to Application for Extension of Service Area in Docket No. 910476-SU; Motion for Consolidation of Dockets Nos. 900802-SU and 910476-SU; and Motion for Extension of Time in which to File Testimony and Exhibits in Docket No. 900802-SU.

The City of Sanibel has previously objected to Sanibel Sewer System's Partners, Ltd's. (Sanibel Sewer System) Application to amend its certificate to delete and add territory in Docket No. 900802-SU, which has been set for hearing. In Docket No. 910476-SU, Sanibel Sewer System seeks to amend its certificate to add territory which it had applied to have added in Docket No. 900802-SU but for which it failed to notice. We acknowledge the City of Sanibel's objection in Docket No. 910476-SU.

We believe that it is appropriate to consolidate these dockets for purposes of hearing. Thus, we grant the City's Motion for Consolidation for the following reasons: the similarity of issues and interests of the parties are such as to make consolidation practicable and efficient; the consolidation will not change or delay the hearing currently scheduled in Docket No. 900802-SU; and counsel for Sanibel Sewer System has no objection to the consolidation, if the hearing currently scheduled is not delayed.

The City of Sanibel has timely filed testimony in Docket No. 900802-SU. Therefore, we consider the question of an extension of time to file testimony in Docket No. 900802-SU moot.

In light of our granting the Motion for Consolidation, we find it necessary to allow the parties opportunity to file testimony and rebuttal testimony in Docket No. 910476-SU. Therefore, the Order

DOCUMENT NUMBER-DATE

03819 APR 22 1991

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Establishing Procedure in Docket No. 900802-SU Order No. 24001, issued January 17, 1991, is modified to add the following:

- 1) Utility's Direct Testimony
 and Exhibits in
 Docket No. 910476-SU April 22, 1991
- 2) Protestor's Direct Testimony
 and Exhibits in
 Docket No. 910476-SU April 29, 1991
- 3) Rebuttal Testimony
 and Exhibits in
 Docket No. 910476-SU May 2, 1991

Based upon the foregoing it is


ORDERED by Commissioner Michael McK. Wilson, as Prehearing Officer, that the Motion for Consolidation of Dockets Nos. 900802-SU and 910476-SU is hereby granted. It is further

ORDERED that the Motion for Extension of Time to File Testimony is moot. It is further

ORDERED that Procedural Order No. 24001 is hereby modified to allow a schedule for filing testimony in Docket No. 910476-SU. It is further

ORDERED that the provisions of Procedural Order No. 24001 govern this proceeding except as modified above.

By ORDER of Commissioner Michael McK. Wilson, as Prehearing Officer this 22nd day of April, 1991.


 MICHAEL McK. WILSON, Commissioner
 as Prehearing Officer

(S E A L)

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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.