

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a rate increase )	DOCKET NO. 900816-WS
in Martin County by SAILFISH POINT )	ORDER NO. 24681
UTILITY CORPORATION )	ISSUED: 6/19/91
_____)	

ORDER REQUIRING INTERVENOR TO IDENTIFY ISSUES  
TO BE ADDRESSED BY EXHIBITS

On June 6, 1991, at the prehearing conference in this docket, the Prehearing Officer granted in part and denied in part the Utility's Motion to Strike Testimony and Exhibits of the Intervenor, and the Utility's Motion to Compel Response to Utility's Request for Production of Documents. Specifically, the Prehearing Officer stated that she would not accept the full thousand page document filed by Intervenor; that the Intervenor were to identify within Mr. Rasmusen's document each page or paragraph of the subject exhibits on which they intend to rely; and that the Intervenor were to identify the applicable issue or issues to be addressed by those exhibits.

On June 14, 1991, Intervenor filed their Addendum to Pre-filed Testimony. Upon review of the material filed the Prehearing Officer finds that it is not responsive to the ruling made at the Prehearing Conference because it fails to identify the issues which are to be addressed by those exhibits. As it is possible that counsel for Intervenor did not understand the determination requiring Intervenor to identify the issues to be addressed by the exhibits, in addition to identifying the specific references within the originally filed exhibits on which the Intervenor intend to rely, I find it appropriate to allow Intervenor another opportunity to comply with the ruling. Therefore, Intervenor is hereby required to identify, by issue number, the specific, applicable issue or issues to be addressed by the exhibits on which Intervenor intend to rely. This additional filing may be made as an errata sheet so that the Addendum does not have to be totally redone. In addition, the Utility may amend, by errata sheet its Motion to Strike Addendum and to Strike All Pre-filed Testimony and Exhibits of Roger W. Rasmusen and Additional Rebuttal Testimony of Frank Seidman, filed on June 18, 1991, if necessary, based on the errata sheet filed by the Intervenor.

The Intervenor shall have until the close of business (4:45 p.m.) on Wednesday, June 19, 1991, by which to comply with this order. The Utility shall have until the close of business (4:45 p.m.) Thursday, June 20, 1991, within which to amend its Motion to

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Strike and Rebuttal Testimony, filed June 18, 1991. Due to the abbreviated schedule for filing, facsimile transmission prior to close of business on the due date, followed by mailing of hard copy, will be accepted in this instance.

I have instructed staff counsel to telephonically communicate the substance of this order to counsels for the Intervenor and the Utility in order to facilitate their ability to comply.

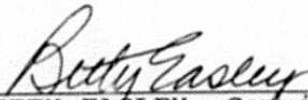
Based upon the foregoing, it is

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that Intervenor is to file the additional information discussed above by close of business on June 19, 1991. It is further

ORDERED that, if necessary, Utility shall file amendments to the Motion to Strike and Rebuttal Testimony by close of business on June 20, 1991. It is further

ORDERED that the parties may file documents in response to this order in the manner described above in the body of this order.

By ORDER of Commissioner Betty Easley, as Prehearing Officer this 19th day of JUNE, 1991.

  
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BETTY EASLEY, 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.