

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. 24682
UTILITY CORPORATION	)	ISSUED: 6-19-91
_____)		

Pursuant to notice, a prehearing conference was held on June 6, 1991, before Commissioner Betty Easley, as Prehearing Officer, in Tallahassee, Florida.

APPEARANCES:

Ben E. Girtman, Esquire, 1020 East Lafayette Street, Suite 210, Tallahassee, Florida 32301  
On behalf of Sailfish Point Utility Corporation

Wm. Reeves King, Esquire, St. John & King, 500 Australian Avenue South, Suite 600, Clearlake Plaza, West Palm Beach, Florida 33401  
On behalf of Sailfish Point Property Owners Representatives and Charles R. Buckridge

Stephen Reilly, Esquire, Office of Public Counsel, Auditor General Building, Room 810, 111 West Madison Street, Tallahassee, Florida 32399-1400  
On behalf of Citizens

Catherine Bedell, Esquire, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0863  
On behalf of the Commission Staff

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Counsel to the Commission

DOCUMENT NUMBER-DATE

06137 JUN 19 1991

REG-RECORDS/REPORTING

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PREHEARING ORDER

I. Case Background

On December 28, 1990, Sailfish Point Utility Corporation (SPUC or utility) completed the minimum filing requirements for a general rate increase and that date was established as the official date of filing. The approved test year for this proceeding is the projected test year ending June 30, 1992. The utility has requested final rates designed to generate annual water revenues of \$572,814, which exceed annualized test year revenues by \$371,755 for water; and annual wastewater revenues of \$477,580, which exceed annualized test year revenues by \$361,910 for wastewater.

In its application the utility requested an interim increase in water rates. By Order No. 24202, issued March 15, 1991, this Commission suspended the utility's proposed rates and granted an interim water rate increase, subject to refund.

This case is scheduled for an administrative hearing on June 26 and 27, 1991.

II. Prefiled Testimony and Exhibits

Testimony of all witnesses to be sponsored by the utility, the Sailfish Point Property Owners Representative (SPOR), the Office of Public Counsel (Citizens) and the Staff of this Commission (Staff) has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

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III. Order of Witnesses

<u>Witness</u>	<u>Appearing for</u>	<u>Issues #</u>
<u>Direct</u>		
Frank Seidman	Utility	2-41
William Reese	Utility	1, 11, 12
Harry DeMeza	Public Counsel	2, 6-11, 13, 17
Thomas Deward	Public Counsel	2-4, 6, 9, 13-36, 38
Roger Rasmusen	SPOR	1, 3-5, 15-16, 18, 20, 25, 28, 29, 33, 38, 41
Francisco Perez	Staff	1
William J. Thiel	Staff	1

Rebuttal

Frank Seidman	Utility
William Reese	Utility

IV. Basic Positions

UTILITY: Because of the environmental sensitivity of the service area, the cost of service is higher than for most other utilities. The service area is an exclusive residential development with supporting amenities. The Petitioner is currently operating at a loss. The utility has requested final rates designed to generate annual water revenues of \$572,814 and annual wastewater revenues of \$477,580.

CITIZENS: Sailfish Point Utility Corporation's ("utility" or "SPUC") request for a rate increase is excessive and unjustified. Sailfish Point has overstated its rate base, operation and maintenance expenses and has

mischaracterized its capital structure. The utility's attempt to use Mobil Corporation's capital structure is totally inappropriate and could allow the utility to earn a return on an artificial capital structure which is not representative of the conditions which exist at the utility. For approximately a decade Mobil Corporation and its subsidiaries have supplied cost-free advances to the utility from funds generated from the sale of lots in Sailfish Point to help finance construction and operation of the utility subsidiary. The arrangement to provide cost-free advances to the utility was acceptable to the developer as there was no attempt to convert these advances to permanent capital or to interest bearing loans. The only exception to this practice was the one loan given in 1983 when Sailfish Point, Inc. ("SPI") transferred to the utility, utility plant which had been constructed to that date. The provision of these cost-free advances to the utility is just another cost of business which the developer has willingly provided for the past decade. The rules should not, and cannot be changed at this point in time which will allow the utility to earn an artificial return on a capital structure which does not, or has not, ever existed.

SPOR: All the utility facilities at Sailfish Point were contributed by the Developer as part of the infrastructure, just as were the roads, bridges, waterways, lagoons, lakes, harbors, drainage pipes and culverts, flood control structures, irrigation systems and pumps, clubhouse, tennis courts and other recreational facilities, as a requirement of the land use approvals and agreements authorizing the development of Sailfish Point. The Developer never intended to recover its investments in those facilities through the sales of utility services but instead through the sales of lots within the development. That intention is shown by provisions of the development documents and by the capital structure of the utility which is totally devoid of equity.

STAFF: The information gathered through discovery and prefiled testimony indicates, at this point, that the utility is entitled to some level of increase. The specific level cannot be determined until the evidence presented at hearing is analyzed.

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V. Issues and Positions

QUALITY OF SERVICE

ISSUE 1: Is the quality of service provided by the utility system satisfactory?

POSITIONS

UTILITY: Yes.

SPOR: No position at this time.

CITIZENS: No position at this time.

STAFF: No position pending receipt of customer testimony.

RATE BASE

ISSUE 2: Are contingency payments counted twice in the projected cost of the wastewater treatment plant?

POSITIONS

UTILITY: The accepted contractor bid price of \$263,090 does not include engineering or contingency costs. The contingency cost is not counted twice in the \$315,600 projected cost of the wastewater treatment plant.

SPOR: Adopts Staff position.

CITIZENS: Same as Staff.

STAFF: If contingency charges are counted twice, the duplicate payment should be removed.

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ISSUE 3: Should the cost of the water distribution and wastewater collection lines and mains located on the Sailfish Point Property outside of the Utility Parcel be included in rate base calculations?

POSITIONS

UTILITY: Yes. The water distribution and wastewater collection lines and mains are a part of the property owned by the utility and are necessary for the utility to provide service to its customers in accordance with its certificate. (Utility reserves its objection.)

SPOR: No. Those improvements were contributed by the Developer to the overall improvement of the total development just as were the roads, storm water sewers and irrigation systems. They should be treated as CIAC and not included in the rate base.

CITIZENS: Agree with SPOR.

STAFF: All lines owned by the utility should be included in rate base, as well as any CIAC which may relate to those lines.

ISSUE 4: Should the cost of the water treatment and wastewater treatment facilities located upon the Utility Parcel be included in the rate case calculations?

POSITIONS

UTILITY: Yes.

SPOR: No. The cost of those facilities are a part of the overall investment made by the Developer in improving the real estate at Sailfish Point to be recovered from the sale of lots just as the cost of the roads, storm sewers, irrigation systems, and all other improvements required by the approved development plan. They were contributed as CIAC and should not be included in rate base.

CITIZENS: Agree with SPOR.

STAFF: The original cost of prudently incurred treatment plant as well as the related amounts of CIAC should be included in rate base.

ISSUE 5: Should the pre-1984 construction of the utility plant by SPI, while the utility was a division of SPI, be removed from rate base because the cost of this utility plant was included in the cost of developing the lots?

POSITIONS

UTILITY: No, the cost of plant was treated as a depreciable asset for tax purposes by SPI and was not expensed as a cost of developing the lots.

SPOR: Same as Citizens.

CITIZENS: Yes.

STAFF: The original cost of prudently incurred utility plant as well as the related amounts of CIAC should be included in rate base.

ISSUE 6: Should a margin reserve be included in the calculations of used and useful plant?

POSITIONS

UTILITY: Yes.

SPOR: Adopts Citizens' position.

CITIZENS: No. The inclusion of a margin reserve introduces costs associated with growth for recovery from current ratepayers. Current ratepayers should not be forced to pay for plant which is not serving them.

STAFF: Yes. The utility is not built-out and should have a margin reserve included in its used and useful calculation.

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**ISSUE 7:** If the Commission allows a margin reserve should it adopt the utility's allowance?

POSITIONS

UTILITY: Yes.

SPOR: Adopts Citizens' position.

CITIZENS: No. The utility has deviated from the five-year average method recommended by Staff. The utility's method overstates customer growth in Sailfish Point.

STAFF: No, the utility's margin reserve should be based on the five-year average method generally utilized by Commission staff.

**ISSUE 8:** Is the utility's provision for fire flow correct?

POSITIONS

UTILITY: Yes.

SPOR: Adopts Citizens' position.

CITIZENS: No.

STAFF: Yes.

**ISSUE 9:** Is the level of unaccounted for water reasonable?

POSITIONS

UTILITY: Yes, the level, as adjusted in the MFRs is reasonable.

SPOR: Adopts Citizens' position.

CITIZENS: No, unaccounted for water should be no greater than 10%.

STAFF: No, unaccounted for water exceeded 10%.



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**ISSUE 10:** Are the utility's calculations to determine the number of equivalent residential connections for Sailfish Point by year for the years ending June 1990, 1991 and 1992 correct?

POSITIONS

UTILITY: Yes.

SPOR: Adopts Citizens' position.

CITIZENS: No.

STAFF: No, the utility's calculation should be based on the five-year average growth.

**ISSUE 11:** Is the utility's calculation for projected peak day water demand correct?

POSITIONS

UTILITY: Yes.

SPOR: Adopts Citizens' position.

CITIZENS: No.

STAFF: No, this calculation should be based on a five day peak average.

**ISSUE 12:** What are the appropriate percentages of used and useful plant?

POSITIONS

UTILITY: The appropriate used and useful percentages are:

<u>Account</u>	<u>Description</u>	<u>Percent Used &amp; Useful</u>
<u>WATER</u>		
304-320	Production, treatment & pumping	100%
330	Storage	93.92%

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<u>Account</u>	<u>Description</u>	<u>Percent Used &amp; Useful</u>
<u>WATER</u>		
331	Transmission and distribution mains	75.17%
303, 334-348	All others	100%
<u>WASTEWATER</u>		
370-381	Treatment and disposal	93.9%
361	Collection	75.17%
353, 391-398	All others	100%

SPOR: Adopts Citizens' position.

CITIZENS: The appropriate percentages of used and useful are:

Water treatment plant	59%
Water distribution system	64%
Sewer plant	40%
Collection system	75%

STAFF: The appropriate percentages are:

Water treatment plant	100%
Water distribution plant	70%
Wastewater treatment plant	72.56%
Wastewater collection system	70%

ISSUE 13: What are the appropriate amounts of non-used and useful utility plant-in-service?

POSITIONS

UTILITY: Water \$184,985; wastewater \$298,966.

SPOR: Adopt Citizens' position.

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CITIZENS: Water \$677,445; wastewater \$574,235.

STAFF: Fall-out number.

ISSUE 14: Should there be an imputation of contributions-in-aid-of-construction (CIAC) to offset margin reserve?

POSITIONS

UTILITY: No. Imputing CIAC mismatches potential, but uncollected contributions against invested plant.

SPOR: Adopts Citizens' position.

CITIZENS: Yes.

STAFF: Yes. CIAC should be imputed to offset margin reserve.

ISSUE 15: Should income taxes on contributions-in-aid-of-construction (CIAC) be capitalized in rate base?

POSITIONS

UTILITY: Yes.

SPOR: Adopt Citizens' position.

CITIZENS: No.

STAFF: Debit deferred taxes related to CIAC should be recognized in rate base to the extent that they cannot be offset by credit deferred taxes see issue 22 and are calculated appropriately.

ISSUE 16: What is the appropriate amount of working capital to be included in rate base?

POSITIONS

UTILITY: Water \$29,786; wastewater \$20,781 based on the formula method required by PSC Rules.

SPOR: Adopts Citizens' position.

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CITIZENS: The utility has not properly documented its entitlement to a working capital allowance.

STAFF: Working capital should be computed using the one-eighth of O & M expenses (formula) method. The amount is a fall-out number.

ISSUE 17: What is the appropriate level of test year rate base?

POSITIONS

UTILITY: Water \$1,609,063; wastewater \$1,422,664.

SPOR: Adopts Citizens' position.

CITIZENS: Fall-out number.

STAFF: Fall-out number.

COST OF CAPITAL

ISSUE 18: What is the appropriate capital structure for ratemaking purposes?

POSITIONS

UTILITY: The parent, Mobil Corporation.

SPOR: The accounting treatment given the utility by the Developer reflects intracorporate transfers and interest free loans which are inconsistent with an equity investment by the parent.

CITIZENS: The utility's capital structure is more appropriate than Mobil Corporation's capital structure because it represents the actual conditions that exist and have existed since the formation of Sailfish Point Utility Corporation.

STAFF: Unless the parent company makes an equity infusion in the utility to the utility's capital structure in line with the capital structure of the Mobil Corporation, Staff will recommend that the utility's actual capital structure be used for ratemaking purposes.

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ISSUE 19: What is the cost of common equity capital?

POSITIONS

UTILITY: 12.14% based on the parent's equity ratio and the leverage formula in Order No.21775.

SPOR: Adopts Citizen's Position.

CITIZENS: Since common equity is negative, the cost rate for rate of return purposes should be zero.

STAFF: The cost of common equity capital should be established using the leverage formula in effect at the time of the final decision in this case.

ISSUE 20: What is the cost of debt capital?

POSITIONS

UTILITY: The cost of debt capital is 10.86 percent in the test year, based on Mobil's capital structure.

SPOR: Adopt Citizens position.

CITIZENS: The cost of debt capital is 11 percent per anum on the mortgage.

STAFF: The cost of debt depends on which capital structures determined to be appropriate.

ISSUE 21: What specific adjustments should be made to accumulated deferred income taxes?

POSITIONS

UTILITY: All adjustments are reflected in the MFRs.

SPOR: Adopts Citizens position.

CITIZENS: No adjustments are necessary, except those made in the issue immediately below.

STAFF: Deferred income tax should be adjusted for the effect of other adjustments to the rate base and NOI.

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**ISSUE 22:** Should debit and credit deferred taxes be offset, with the net credit included in the capital structure at zero cost?

POSITIONS

**UTILITY:** Debt and credit deferred taxes may be used to offset each other. A net credit would be included in the capital structure at zero cost. A net debit would be included in rate base at the allowed rate of return.

**SPOR:** No position.

**CITIZENS:** Yes. Net credit should be \$206,163 after removing CIAC, deferred taxes, and debits from water and wastewater rate bases.

**STAFF:** Yes, however, no adjustment is necessary in this case.

**ISSUE 23:** What is the appropriate amount and cost rate of investment tax credits to be included in the capital structure?

POSITIONS

**UTILITY:** The utility has taken no ITCs.

**SPOR:** Adopts Citizens position.

**CITIZENS:** If the Commission allows any income tax expense, such expense should be offset by the amortization of investment tax credits, whether the credits were actually taken by the utility or not.

**STAFF:** ITCs attributable to Sailfish Point should be included in the capital structure at zero cost.

**ISSUE 24:** What is the weighted average cost of capital including the proper components, amounts, and cost rates associated with the appropriate capital structure?

POSITIONS

**UTILITY:** 9.87% based on the parent's equity ratio and debt cost.

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SPOR: No position.

CITIZENS: 3.05%.

STAFF: The cost of capital depends on which capital structure is determined to be appropriate.

NET OPERATING INCOME (NOI)

ISSUE 25: Are intercompany expense allocations appropriate?

POSITIONS

UTILITY: Yes.

SPOR: No.

CITIZENS: No.

STAFF: We have not found that the intercompany expense allocations are unreasonable at this time.

ISSUE 26: Should the utility's purchased power and chemical expense be adjusted for unaccounted for water?

POSITIONS

UTILITY: Yes, as per the MFRs. Purchased power and chemical expense were adjusted downward by 5% to reflect non-recurring water losses. The amount of the reduction was \$1,347 and \$1,194 in the historic year, for power and chemicals, respectively.

SPOR: Adopts Staff's position.

CITIZENS: Yes.

STAFF: Yes, if excessive unaccounted for water is found.

ISSUE 27: Is the replacement program for the new spiral wound membranes appropriate?

POSITIONS

UTILITY: Yes.

SPOR: No.

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CITIZENS: No.

STAFF: Yes.

ISSUE 28: Should rate case costs for the prior docket be allowed in this case?

POSITIONS

UTILITY: Yes. Allegations on which the dismissal was based were inaccurate and a substantial portion of work performed in preparing the 1989 case was required in preparing this case.

SPOR: No.

CITIZENS: No, the utility should not be permitted to recover any of the rate case expense associated with the filing made by the company in 1989. Ratepayers should not be required to pay for any of the costs associated with a case that was dismissed.

STAFF: No, all prior rate case costs related to the 1989 case (that do not directly relate to this rate case) should be removed.

ISSUE 29: What is the appropriate amount for current rate case expense?

POSITIONS

UTILITY: The estimate included in the MFRs is \$91,800 plus the \$68,374 expense incurred for the prior rate case filing as requested in the MFR.

SPOR: All costs of filing motions directed against intervenor by the utility should not be recoverable from the ratepayers.

CITIZENS: Any legal costs incurred in this proceeding in opposing the intervention of the homeowners or their duly elected representatives should be disallowed. All other requests for rate case expense should be closely scrutinized and justified.



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STAFF: Only prudently incurred rate case expenses for this current rate case should be allowed, amortized over four years.

ISSUE 30: Is the utility's proposed depreciation expense overstated?

POSITIONS

UTILITY: No.

SPOR: Yes.

CITIZENS: Yes.

STAFF: Unless affected by adjustments to plant and CIAC, depreciation is properly stated.

ISSUE 31: Should the utility's requested provision for taxes other than income be approved?

POSITIONS

UTILITY: Yes. The property taxes as reflected in the MFRs are adjusted for non-used and useful plant.

SPOR: No position.

CITIZENS: The utility's proposed property tax expense is overstated.

STAFF: No. An adjustment is necessary to reflect non-used and useful property taxes.

ISSUE 32: Should a parent debt adjustment be made in this case?

POSITIONS

UTILITY: No. The parent's capital structure is being used.

SPOR: No position.

CITIZENS: If any tax expense is allowed, then parent debt adjustment is appropriate.

STAFF: A parent debt adjustment should be made if the Company's capital structure is used. If the

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parent's capital structure is not used, this adjustment should not be made.

ISSUE 33: What is the appropriate income tax expense?

POSITIONS

UTILITY: At full authorized return; water \$53,871; wastewater \$47,427. (This is a fall-out number subject to adjustments to taxable income in this proceeding.)

SPOR: Adopts Citizens' position.

CITIZENS: The utility should not be granted any income tax expense.

STAFF: Fall-out number.

ISSUE 34: What is the appropriate level of test year operating income before revenue increase?

POSITIONS

UTILITY: Water: negative \$122,270; Wastewater: negative \$137,715.

SPOR: Adopts Citizens' position.

CITIZENS: Fall-out number.

STAFF: Fall-out number.

REVENUE REQUIREMENT

ISSUE 35: What is the total revenue requirement?

POSITIONS

UTILITY: At full authorized return; water \$572,814; wastewater \$477,580.

SPOR: Adopts Citizens' position.

CITIZENS: Fall-out number.

STAFF: Fall-out number.

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**ISSUE 36:** Is an adjustment necessary to comply with Section 367.0815, Florida Statutes, regarding the limitation of rate case expense?

**POSITIONS**

**UTILITY:** Yes, although the utility disagrees with the statutory provision.

**SPOR:** Adopts Staff's position.

**CITIZENS:** Fall-out number.

**STAFF:** Whether any adjustment is necessary will be based on the other issues in the case.

**RATES AND RATE STRUCTURE**

**ISSUE 37:** What final rates should be authorized?

**POSITIONS**

**UTILITY:** See Schedule E-1 of the MFRs.

**SPOR:** Adopts Staff's position.

**CITIZENS:** No position.

**STAFF:** Fall-out number.

**ISSUE 38:** What is the appropriate amount by which rates should be reduced four years after the established effective date to reflect the removal of the amortized rate case expense?

**POSITIONS**

**UTILITY:** Fall-out number.

**SPOR:** Fall-out number.

**CITIZENS:** Fall-out number.

**STAFF:** Fall-out number.

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ISSUE 39: Is the utility's existing service availability policy in compliance with Rule 25-30.580, Florida Administrative Code?

POSITIONS

UTILITY: Yes.

SPOR: No.

CITIZENS: No position

STAFF: No, the existing service availability charges should be modified to comply with Rule 25-30.580, Florida Administrative Code.

ISSUE 40: What are the appropriate miscellaneous service charges?

POSITIONS

UTILITY: The charges set forth in SAB No. 13 and a late charge alternative as contained in the proposed tariff.

SPOR: No position.

CITIZENS: No position.

STAFF: Miscellaneous service charges should be approved that reflect the charges shown in Second Revised Staff Advisory Bulletin (SAB) No. 13.

ISSUE 41: Should a charge be established for gray water used by the golf course? If so, what is the appropriate charge?

POSITIONS

UTILITY: No.

SPOR: No, without that method the utility could not discharge its wastewater. Interconnection of ownership interests and method of disposal evidences developer's construction of the utility as an integral part of developer.

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CITIZENS: No.

STAFF: No.

#### VI. Stipulations

The parties have stipulated to the following:

1. The \$58,000 provision for contingency costs should be removed from the \$352,800 provision for water plant expansion.
2. Wastewater plant service, account 360, should be reduced by \$20,243 for amounts incorrectly capitalized.
3. Adjustments should be made to decrease retained earnings by \$357, to increase CIAC by \$620, to increase accumulated amortization of CIAC by \$295 and to increase test year amortization by \$31, for meter fees collected but not recorded in a prior period.
4. Pro forma miscellaneous revenues should be reduced by \$4,375 in accordance with Audit Exception No. 3.
5. The utility should change to guideline depreciation rates per Rule 25-30.140, Florida Administrative Code. SPOR has taken no position.
6. Current tax expense should not be increased by the amortization of tax on CIAC. SPOR has taken no position.

#### VII. Rulings

1. Utility's Motion to Expedite Discovery, filed on May 13, 1991, was determined to be moot.
2. Utility's Motion for Order Requiring All Parties to Attend All Preliminary Prehearing Conferences, filed on May 24, 1991, was determined to be moot.
3. Utility's Motion in Limine to Strike certain Testimony and Exhibits of SPOR Witness Roger W. Rasmusen, filed May 24, 1991 and Utility's Motion to Compel SPOR Response to Utility's

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First Request for Production, filed on May 29, 1991 was granted in part and denied in part. The full exhibit filed with pre-filed testimony is deemed unacceptable. Intervenors are to identify each page or paragraph of the exhibit on which they intend to rely and to identify the specific, applicable issue or issues to be addressed by those exhibits.

4. Utility's Motion to Retain Customer Hearing for Customer Issues, filed on May 29, 1991, was denied.
5. Utility's Contingent Motion for Extension of Time to File Rebuttal Testimony and Exhibits in Response to Witness Roger W. Rasmusen, filed May 31, 1991, was granted until June 18, 1991.

#### VIII. Exhibits

<u>Witnesses</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Frank Seidman	Utility	Composite FS-1	MFRs
Harry DeMeza	Public Counsel	Composite HDM-1	Schedules
Thomas Deward	Public Counsel	Composite TCD-1	Schedules
Roger Rasmusen	SPOR	Composite RWR-1	Documents
Francisco Perez	Staff	FP-1	DER - Water
William J. Thiel	Staff	WJT-1	DER - Wastewater

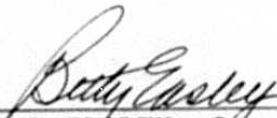
Parties and Staff reserve the right to identify exhibits for the purpose of cross-examination.

Based upon the foregoing, it is

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings unless modified by the Commission.

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

  
BETTY EASLEY, Commissioner  
and Prehearing Officer

( S E A L )

BE/CB

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.