

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of East Central )	DOCKET NO. 910114-WU
Florida Services, Inc. for an original )	
certificate in Brevard, Orange and )	ORDER NO. 25374
Osceola Counties. )	
_____ )	ISSUED: 11/21/91

ORDER GRANTING MOTION TO SUPPLEMENT RECORD

BY THE COMMISSION:

On November 5, 1991, East Central Florida Services, Inc., (ECFS or applicant) filed a Motion to Supplement Record. In its motion, ECFS asks that the Commission accept as part of the record two changes to Late-Filed Exhibit No. 4.

Late-Filed Exhibit No. 4 contained updated calculations pertinent to both Section K of composite Exhibit No. 1, ECFS's application, and to composite Exhibit No. 11, Mr. Hartman's rebuttal exhibit. ECFS states that it proposes to make two changes to the late-filed exhibit by its supplemental exhibit. First, ECFS's proposed supplemental exhibit would include an amount for property taxes in the revenue requirement for agricultural services. ECFS states that an amount for such taxes was included in two previous versions of the calculation, but was inadvertently omitted from the late-filed exhibit. Second, ECFS's proposed supplemental exhibit would adjust the calculation of rate of return to account for the Commission's current leverage graph formula. ECFS states that it used the leverage graph formula in effect at the time of the application in the late-filed exhibit, but the leverage graph formula has changed since the application was filed. ECFS states that none of the parties which stated a position on the rates issue disagreed with the use of the current leverage graph formula and making the foregoing changes to Late-Filed Exhibit No. 4 will not prejudice any of the parties. Indeed, ECFS states, none of the parties have an objection to ECFS's supplement to the record, although the City of Cocoa (Cocoa) has expressed a desire to rebut or correct any errors in the supplemental exhibit.

None of the parties have filed a timely objection to ECFS's motion. Nonetheless, the request of Cocoa, even though not made by a filing with the Commission, is reasonable.

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In consideration of the foregoing, the motion of ECFS is hereby granted. Should Cocoa or any of the parties wish to file evidence rebutting or correcting errors in the supplemental exhibit, they shall do so within ten days of the date of this Order.

It is, therefore

ORDERED by Commission J. Terry Deason, as Prehearing Officer, that the motion of East Central Florida Services, Inc., to supplement the record is hereby granted. It is further

ORDERED that should any parties in this case choose to file an exhibit rebutting or correcting any errors in the supplemental exhibit of East Central Florida Services, Inc., they shall do so within ten days of the date of this Order.

By Commissioner J. Terry Deason, as Prehearing Officer, this  
21st day of NOVEMBER, 1991.

  
J. TERRY DEASON, 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 wastewater 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.