

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Water) DOCKET NO. 930206-WS
and Wastewater Certificates in) ORDER NO. PSC-93-1064-PCO-WS
Sumter County by SUMTER) ISSUED: July 21, 1993
UTILITIES, INC.)
_____)

ORDER GRANTING PETITION TO INTERVENE

BY THE COMMISSION:

On March 2, 1993, Sumter Utilities, Inc., (SUI or utility) filed an application for certificates of authorization to provide water and wastewater service in Sumter County. On March 31, 1993, Mr. Bartley and Mrs. Louise Giddens filed a timely objection to SUI's notice of application. On April 1, 1993, McDonald's Corporation filed a timely objection and request for a hearing. On April 6, 1993, the City of Bushnell (the City) filed a Petition to Intervene in the case. On April 20, 1993, SUI filed a response to the City's petition.

In its petition, the City alleges that its water facilities are some 2,200 feet from SUI's requested service territory, that several property owners in SUI's requested service territory have sought annexation into the City's corporate limits, and that the City has adequate capacity to provide and has committed to provide water service to said property owners. As a potential supplier of water service to persons in SUI's requested territory, the City claims its substantial interests are subject to determination or will be affected in this proceeding and that it is therefore entitled to participate in same.

In its response, SUI emphasizes that the City did not file a timely objection to SUI's notice (emphasis added). SUI contends that the City

should not be allowed to expand upon issues raised by the two parties who objected in a timely manner. Therefore, the facts set forth in the City of Bushnell's petition are irrelevant to this proceeding and the City should be made to take the case as it finds it.

However, SUI's response does not dispute the City's factual basis for claiming its substantial interests would be affected. Because timely objections were filed by others, this matter has been set for hearing. Any other substantially affected person may petition for intervention in the proceeding up to five days before the

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hearing. Therefore, the alleged untimeliness of the City's petition is not an issue. Of course the City takes the case as it finds it. However, issues may be identified up to the date of the prehearing conference.

Based upon review of the petition, the City's substantial interests may be affected. Therefore, the City's petition is hereby granted.

It is, therefore,

ORDERED by Commissioner Luis J. Lauredo, as Prehearing Officer, that the Petition to Intervene filed by the City of Bushnell is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding to Frederick M. Bryant, Moore, Williams, Bryant, Peebles & Gautier, P.A., P.O. Box 1169, Tallahassee, FL 32302, and Vicente R. Ruano, Bushnell City Manager, P.O. Box 115, Bushnell, FL 33513.

By ORDER of Commissioner Luis J. Lauredo, as Prehearing Officer, this 21st day of July, 1993.



LUIS J. LAUREDO, Commissioner and
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

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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.