

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation Into) DOCKET NO. 930945-WS
Florida Public Service) ORDER NO. PSC-94-1190-PCO-WS
Commission jurisdiction over) ISSUED: September 29, 1994
SOUTHERN STATES UTILITIES, INC.)
in Florida.)
_____)

ORDER GRANTING AN EXTENSION OF TIME TO
FILE DIRECT TESTIMONY AND EXHIBITS

On September 8, 1994, Polk County, by and through its attorney, Timothy F. Campbell, filed a Motion for Extension of Time to File Direct Testimony and Exhibits in the above-referenced docket, wherein it requests until October 17, 1994, to file its testimony. In support of its Motion, Polk County states that it did not receive until August 30, 1994, a copy of Order No. PSC-94-0814-PCO-WS, Order Establishing Procedure. Further, Polk County asserts that it did not receive a copy of Order No. PSC-94-0686, issued June 6, 1994, Denying Declaratory Statement and Initiating Investigation. Polk County states that it was not able to comply with the provisions of Order No. PSC-94-0814-PCO-WS, requiring that intervenors file direct testimony and exhibits by September 12, 1994.

On September 19, 1994, Southern States Utilities, Inc. (Southern States or utility) filed its Response in Opposition to Polk County's Motion for Extension of Time to File Direct Testimony and Exhibits. Southern States states that Polk County has from the beginning participated actively in this proceeding; that, even if Polk County did not receive a copy of Order No. PSC-94-0814-PCO-WS, earlier than August 30, 1994, as it claims, by its own admission, it received notice in the week of August 22, 1994 of the September 12, 1994 deadline for filing intervenor's testimony with the Commission; and that Polk County's request for an extension of time until October 17, 1994, is extreme and prejudicial to the interests of Southern States. The utility proposes an extension of time not exceeding two weeks.

The Commission issued Order No. PSC-94-0814-PCO-WS on July 1, 1994. The Commission mailed a copy of the Order to each and every Florida County in an effort to avoid this very issue. Additionally, the utility, in accordance with the provisions of Order No. PSC-94-0814-PCO-WS, mailed a Notice of Jurisdictional Investigation to each Florida County, the Office of Public Counsel, and the Florida Association of Counties. Even further, the Commission had published a similar notice in the Florida Administrative Weekly on July 6, 1994.

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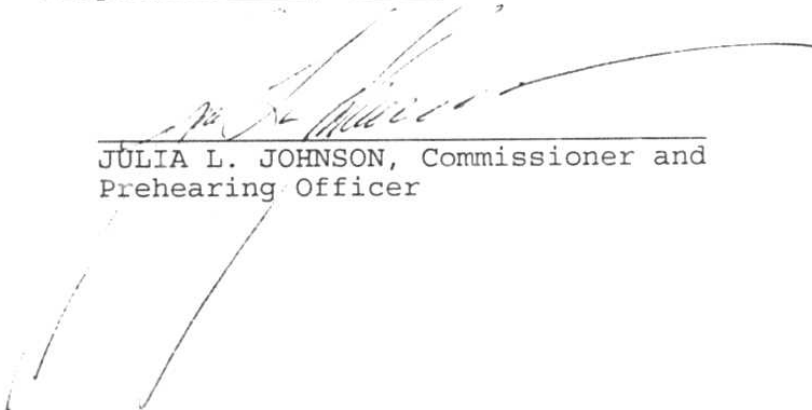
From the facts stated above, it is clear that all Counties received proper notice. Notwithstanding, Polk County's request to have additional time to file its testimony appears somewhat reasonable. Allowing Polk County additional time is unlikely to materially prejudice the interests of other parties or Staff. The Commission has determined that the substantial interests of Polk County may be affected through the outcome of this proceeding. Therefore, Polk County should be allowed a reasonable time to prepare its testimony. However, because Polk County has had additional time to prepare its testimony during the period of time this matter was pending, an extension of time until October 17, 1994, appears excessive.

Polk County's Motion for Extension of Time to File Direct Testimony is granted. However, Polk County shall file its testimony by the close of business on October 6, 1994.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Motion for Extension of Time to File Direct Testimony and Exhibits filed by Polk County is hereby granted to the extent set forth herein.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 29th day of September, 1994.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

CJP

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.