

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for transfer) DOCKET NO. 950015-WU
of Certificate No. 388-W in Lee) ORDER NO. PSC-95-0717-PCO-WU
County from Tamiami Village) ISSUED: June 14, 1995
Utility, Inc.; and for a limited)
proceeding to increase rates to)
recover increased operation and)
maintenance expenses as a result)
of pending transfer by Tamiami)
Village Water Company, Inc.)

ORDER GRANTING MOTION FOR EXTENSION OF TIME
FOR PREFILING TESTIMONY

On March 7, 1995, this Commission issued Order No. PSC-95-0318-PCO-WU, an Order Establishing Procedure in this docket. Among other things, that order set dates for the filing of testimony, prehearing statements, briefs, and other key events. The order required Tamiami Village Water Company, Inc. (TVWC or utility), to file testimony by May 8, 1995.

On May 1, 1995, the utility timely filed the testimony of Mr. John J. Ustica. However, the utility also untimely filed the testimony of Mr. Sanford M. Martin on May 10, 1995, two days after the due date. Thereafter, on May 23, 1995, the utility filed a Motion for Extension of Time for Prefiling Testimony, from May 8, 1995, to May 10, 1995. In support of its Motion, the utility states that the testimony of Mr. Martin was filed two days late because of the illness of a legal assistant and the use of a temporary employee who mailed the testimony to the wrong address, which resulted in a five-day delay in delivery. In addition, the utility states that Mr. Martin did not become aware of the incorrect mailing until May 6, 1995, when the error was corrected and additional copies were mailed to the Commission.

Although several of the customers who have filed protests in this docket have indicated that they do not object to the granting of the utility's Motion, one customer stated that perhaps the testimony should not be accepted because of the fact that it was filed untimely. However, even that customer acknowledged that no prejudice, surprise, or delay will result by granting the Motion. No objections to the Motion have been filed by any parties to this proceeding.

Based on the foregoing, it is therefore

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ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Tamiami Village Water Company, Inc.'s, Motion for Extension of Time for Prefiling Testimony, to May 10, 1995, is hereby granted. It is further

ORDERED that Order No. PSC-95-0318-PCO-WU is hereby reaffirmed in all other respects.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 14th day of June, 1995.



DIANE K. KIESLING, Commissioner
and Prehearing Officer

(S E A L)

RGC

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

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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.