

MEMORANDUM

July 1, 1997

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CAPELESS) *WSC JAS*

RE: DOCKET NO. 961321-WS - APPLICATION FOR CERTIFICATES TO PROVIDE WATER AND WASTEWATER SERVICE IN CLAY COUNTY BY POINT WATER AND SEWER, INC.

0791-PCD

Attached is an ORDER GRANTING MOTIONS TO AMEND TESTIMONY AND EXTEND TIME TO FILE EXHIBITS to be issued in the above referenced docket. (Number of pages in Order - 3)

MOP,RGC:mw

Attachment

cc: Division of Water & Wastewater (Brady, Redemann)

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*faxed - 1/1
mailed - 1/1*

MUST GO TODAY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificates to provide water
and wastewater service in Clay
County by Point Water and Sewer,
Inc.

DOCKET NO. 961321-WS
ORDER NO. PSC-97-0791-PCO-WS
ISSUED: July 2, 1997

ORDER GRANTING MOTIONS TO AMEND TESTIMONY AND
EXTEND TIME TO FILE EXHIBITS

Order No. PSC-97-0245-PCO-WS, issued February 28, 1997, and Order No. PSC-97-0346-PCO-WS, issued March 25, 1997, established the dates for prefiled testimony in this proceeding. The Point Property Owners Association (PPOA) timely filed its prefiled testimony and exhibits on May 5, 1997. Point Water and Sewer, Inc., (PWS) timely filed its prefiled rebuttal testimony and exhibits on May 27, 1997.

On June 6, 1997, PWS filed a motion for extension of time to file exhibits, citing several instances where documents were omitted from prefiled testimony: two exhibits related to James Yonge's rebuttal testimony, JEY-2 and JEY-3, were omitted in their entirety; two pages of exhibit no. JY-2, attached to John Yonge's testimony, were erroneously omitted from that document; and several pages of Exhibit No. JL-2, attached to James Lucas' testimony, were omitted. PWS also requests that it be permitted to file a new exhibit with John Yonge's testimony, labeled exhibit no. JY-4-A, a notice of permit issuance which PWS was unable to obtain prior to the testimony filing date. Along with its motion, PWS submitted copies of these exhibits and pages to the parties and the Commission.

On June 9, 1997, PPOA filed a motion for leave to amend the testimony of Steven C. Glenn. PPOA states that the last page of Mr. Glenn's testimony, page 15, was omitted from the filed copy, and requests leave to amend the document to include the missing page. PPOA submitted a corrected copy of the testimony along with its motion.

Neither motion has been objected to, and both parties aver that no prejudice will result from their respective requests. These motions address corrections and omissions. Both motions are hereby granted.

DOCUMENT NUMBER-DATE

06690 JUL-25

FPSC-RECORDS/REPORTING


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It is therefore,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the motion for leave to amend testimony of Steven C. Glenn filed by Point Property Owners Association is hereby granted. It is further

ORDERED that the motion for extension of time to file exhibits filed by Point Water and Sewer, Inc., is hereby granted.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 2nd day of July, 1997.



JOE GARCIA
Commissioner and Prehearing Officer

Asst. To.

(S E A L)

MOP

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),

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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.