

MEMORANDUM

April 10, 1998

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TO: DIVISION OF RECORDS AND REPORTING

1.45
FPSC - Records/Reporting

FROM: DIVISION OF LEGAL SERVICES (GERVASI) *res*

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

98-0501-PCD-WS

Attached is a FIFTH ORDER EXTENDING TIME FOR FILING DEPOSITION TESTIMONY, to be issued in the above-referenced docket.

(Number of pages in order - 4)

RG/dr

See 1

Attachment

cc: Division of Water and Wastewater (Messer)

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*2 Mailed RAR -
4/10/98*

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-98-0501-PCO-WS
ISSUED: April 10, 1998

FIFTH ORDER EXTENDING TIME FOR FILING DEPOSITION TESTIMONY

On November 4, 1996, Point Water and Sewer, Inc. (PWS or utility), filed an application for certificates to provide water and wastewater service in Clay County. On November 22, 1996, the Point Property Owners Association, Inc. (PPOA), objected to PWS's application. Accordingly, the matter was scheduled for a customer service hearing on July 31, 1997, and a hearing on August 1, 1997. A prehearing conference was held on July 8, 1997, during which a ruling was made permitting PWS to file, within ten days, the deposition testimony of two adverse witnesses, Ms. Lori Easterling and Mr. Frank Kasper.

By Order No. PSC-97-0888-PCO-WS, issued July 28, 1997, the parties' Joint Emergency Motion for Continuance of the hearing was granted. Also granted by that Order was the parties' request for an extension of time for PWS to file the testimony of the above-named adverse witnesses by August 15, 1997. Any intervenor and/or staff witness testimony in response thereto was ordered to be filed by August 29, 1997.

In order to give the parties more time in which to focus on their ongoing settlement negotiations, by Orders Nos. PSC-97-0954-PCO-WS, issued August 11, 1997, PSC-97-1090-PCO-WS, issued September 19, 1997, PSC-97-1612-PCO-WS, issued December 23, 1997, and PSC-98-0296-PCO-WS, issued February 17, 1998, joint motions of the parties were granted, extending the time for the utility to file the above-referenced deposition testimony and consequently, for the filing of intervenor and/or staff testimony in response thereto. By Order No. PSC-98-0296-PCO-WS, those deadlines are currently set at April 1, 1998, for the filing of the adverse witness testimony, and April 15, 1998, for any intervenor and/or staff witness testimony in response thereto.

DOCUMENT NUMBER-DATE

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On March 31, 1998, the parties filed another Joint Motion for Continuance of the deadlines for filing the above-described testimony. Again the parties state that their ongoing settlement negotiations will not be completed prior to the current filing deadlines and that taking the depositions prior to the time that formal negotiations are attempted would not be cost effective or conducive to facilitating a settlement. The parties further state that they are presently awaiting final settlement documents from the Clay County Utility Authority (CCUA). The CCUA anticipates that its Board of Directors will approve the final settlement and bond documents by the end of April, 1998. All physical plant inspections have been completed. The parties therefore request that the deadline for PWS to file the deposition testimony of Ms. Easterling and Mr. Kasper be extended through and including June 1, 1998, and that the date for filing intervenor and/or staff testimony in response thereto be extended through and including June 15, 1998.

Having been advised of the progress being made towards settlement of this matter, I find it appropriate to grant the motion. Therefore, PWS shall file any adverse deposition testimony of Ms. Lori Easterling and/or Mr. Frank Kasper by June 1, 1998. Any intervenor or staff testimony in response thereto shall be filed by June 15, 1998. Further, the parties shall notify this Commission of any settlement agreement reached among them within ten days of the date of such agreement. The parties shall also notify this Commission of the status of the pending settlement negotiations by June 1, 1998, if no agreement is reached by that date.

Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Joint Motion for Continuance of Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., is hereby granted. It is further

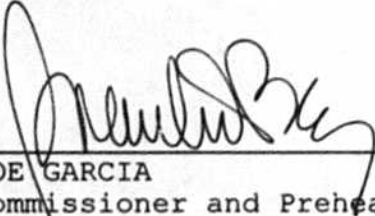
ORDERED that the adverse witness testimony of Ms. Lori Easterling and Mr. Frank Kasper shall be filed by June 1, 1998, and any intervenor and/or staff testimony shall be filed in response thereto by June 15, 1998. It is further

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ORDERED that Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., shall notify the Commission of any settlement agreement reached among them within ten days of the date of such agreement. It is further

ORDERED that Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., shall notify the Commission of the status of their settlement negotiations by June 1, 1998, if no agreement is reached by that date.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 10th day of April, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)

RG

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.