

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 990696-WS  
ORDER NO. PSC-99-1934-PCO-WS  
ISSUED: September 29, 1999

ORDER GRANTING MOTION FOR CHANGE IN  
TESTIMONY FILING DATES

On June 1, 1999, Nocatee Utility Corporation (NUC or utility) filed an application for original certificates to operate a water and wastewater utility in Duval and St. Johns County. On June 30, 1999, Intercoastal Utilities, Inc. (Intercoastal) timely filed a protest to NUC's application and requested a hearing. Accordingly, this matter was set for an administrative hearing.

By Order No. PSC-99-1764-PCO-WS (Order Establishing Procedure), issued September 9, 1999, controlling dates were established in this docket. Pursuant to the Order Establishing Procedure, NUC's direct testimony and exhibits are due on October 11, 1999. Currently, the prehearing conference and hearing dates are scheduled on April 3, 2000, and May 9 and 10, 2000, respectively.

On September 21, 1999, NUC filed a Motion for Change in Testimony Filing Dates. In support of its motion, NUC states that it requires an extra sixty days to prepare and submit its prefiled direct testimony, due to the additional effort that will be required by NUC and its consultants to prepare the rate setting information for which NUC had originally sought a variance, and that it has a pending motion to dismiss the objection of Intercoastal, which may eliminate the necessity for the hearing in this matter if granted. NUC also requests that all remaining testimony filing dates be extended in the same respect.

NUC states that it has contacted the attorney for Intercoastal, and that Intercoastal has indicated that it does not object to the requested extension as long as the change in the filing dates does not result in a change in the hearing dates.

DOCUMENT NUMBER-DATE

11761 SEP 29 99

303

FPSC-RECORDS/REPORTING

NUC's motion does not require a change in the prehearing or hearing dates. Accordingly, NUC's motion is hereby granted. The following revised dates shall govern this case.


- 1) Company's direct testimony and exhibits December 10, 1999
- 2) Intervenor's direct testimony and exhibits January 14, 2000
- 3) Staff's direct testimony and exhibits, if any February 11, 2000
- 4) Rebuttal testimony and exhibits March 6, 2000
- 5) Prehearing statements March 13, 2000

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Nocatee Utility Corporation's Motion for Change in Testimony Filing Dates is hereby granted as set forth in the body of this Order. It is further

ORDERED that the dates for filing testimony and prehearing statements are hereby changed as set forth in the body of this Order.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 29th Day of September, 1999.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

SMC

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.