

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by Florida
Water Services Corporation for
amendment of Certificates Nos.
171-W and 122-S to add territory
in Nassau County.

DOCKET NO. 990817-WS
ORDER NO. PSC-99-2235-PCO-WS
ISSUED: November 12, 1999

ORDER GRANTING, IN PART, THE
STIPULATED MOTION FOR STAY OF CASE SCHEDULE

On June 24, 1999, Florida Water Services Corporation (FWSC or utility) filed an application for extension of its service territory in Nassau County. On July 21, 1999, Florida Public Utilities Company (FPUC) filed a timely protest to the application and requested an administrative hearing. Therefore, this matter has been scheduled for formal hearing on May 23 and 24, 2000, and Order No. PSC-99-1708-PCO-WS establishing procedure was issued September 1, 1999.

On November 9, 1999, the utility filed a Stipulated Motion For Stay of Case Schedule requesting that all hearing and filing dates be suspended because FWSC and FPUC had reached a settlement agreement. Further, FWSC asserted that suspending the filing and hearing dates under these circumstances would save the Commission and parties valuable time and expense. The movant stated that FWSC would provide Commission staff with notice of any further filing activity or actions required as a result of the agreement within 45 days of the filing date of this motion. FWSC indicated that FPUC agreed with the relief sought by this motion.

Upon review, it is appropriate to grant, in part, the relief sought by FWSC. This motion appears to request an indefinite stay of the filing dates. Rather than suspend the filing dates indefinitely, the filing dates shall be suspended for a period of 45 days from the issuance date of this Order. This Order does not alter the parties' obligation to respond to discovery requests propounded prior to the issuance date of this Order. The parties shall file, by the close of business on the 45th day from the issuance of this Order, a written settlement agreement or a report that outlines dates certain for any other actions which resolve the pending protest. If the parties do not file such written settlement agreement or report, an order reestablishing the key

DOCUMENT NUMBER-DATE

13877 NOV 12 99

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-2235-PCO-WS
DOCKET NO. 990817-WS
PAGE 2

activities dates shall be issued. The balance of the motion requesting a stay of the hearing and prehearing dates is denied. The hearing and pre-hearing dates established by Order No. PSC-99-1708-PCO-WS shall remain in effect unless the parties file a settlement agreement or report. Upon the timely filing of the settlement agreement or report, the hearing and prehearing dates shall be accordingly suspended or canceled.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Florida Water Services Corporation's Stipulated Motion For Stay of Case Schedule is hereby granted, in part, as set forth in the body of this Order. It is further

ORDERED that the parties shall respond to all discovery requests propounded prior to the issuance date of this Order. It is further

ORDERED that the parties shall file a written settlement agreement or report outlining dates certain for any other actions which resolve the pending protest by the close of business on the 45th day from the issuance date of this Order.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 12th day of November, 1999.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

PAC

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.