

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Disposition of CIAC
gross-up funds collected by
North Fort Myers Utility, Inc.
in Lee County.

DOCKET NO. 971179-SU
ORDER NO. PSC-00-0005-PCO-SU
ISSUED: January 4, 2000

ORDER GRANTING MOTION TO EXTEND TIME TO FILE
TESTIMONY AND REVISING DATES FOR FILING OF
TESTIMONY AND NOTING CHANGE IN PREHEARING CONFERENCE DATE

On December 22, 1999, the Office of Public Counsel (OPC) filed its Motion to Extend Time to File Testimony (Motion to Extend Time) from December 30, 1999 to January 7, 2000. In support of its motion, OPC states that North Fort Myers Utility, Inc. (utility or NFMU), was over two weeks late in responding to OPC's Interrogatories, and over three weeks late in producing the requested documents. Also, OPC cites the added disruption caused by the Thanksgiving and Christmas holidays. Both Commission staff and NFMU have indicated that they have no objection to this extension of time, so long as both staff testimony and rebuttal testimony are extended an additional seven days.

Based on the above, OPC's Motion to Extend Time shall be granted. Also, it should be noted that the Chairman's Office has changed the date of the prehearing conference from March 27, 2000, to April 3, 2000. Therefore, the controlling dates for this docket are changed as shown below.

Controlling Dates

- | | |
|---|-------------------|
| 1) Intervenors' direct testimony
and exhibits | January 7, 2000 |
| 2) Staff's direct testimony
and exhibits, if any | January 31, 2000 |
| 3) Rebuttal testimony
and exhibits | February 25, 2000 |
| 4) Prehearing Statements | February 25, 2000 |
| 5) Prehearing Conference | April 3, 2000 |

DOCUMENT NUMBER-DATE

00074 JAN-48

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0005-PCO-SU
DOCKET NO. 971179-SU
PAGE 2

Controlling Dates Cont.

- | | |
|------------|-------------------|
| 6) Hearing | April 13-14, 2000 |
| 7) Briefs | May 15, 2000 |

Based upon the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the Office of Public Counsel's Motion to Extend Time to File Testimony is granted as set forth in the body of this Order. It is further

ORDERED that the controlling dates for the intervenors' testimony, the staff testimony, rebuttal testimony, and prehearing conference are changed as set forth in the body of this Order.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 4th day of January, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

RRJ

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

ORDER NO. PSC-00-0005-PCO-SU
DOCKET NO. 971179-SU
PAGE 3

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.