

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificates to operate a water  
and wastewater utility in Duval  
and St. Johns Counties by  
Intercoastal Utilities, Inc.

DOCKET NO. 992040-WS

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-00-0336-PCO-WS  
ISSUED: February 17, 2000

ORDER GRANTING ST. JOHNS COUNTY, FLORIDA'S  
PETITION FOR INTERVENTION

BY THE COMMISSION:

Intercoastal Utilities, Inc. (Intercoastal or utility) is a water and wastewater utility located in and providing service to areas within St. Johns County, Florida (County). On December 30, 1999 Intercoastal filed applications for an original water and wastewater certificate for a utility in existence and charging for service, and for an amendment of certificates for an extension of service territory, pursuant to Section 367.171(7), Florida Statutes, and Rules 25-30.034 and 25-30.036, Florida Administrative Code.

By petition filed January 26, 2000, the County requests leave to intervene in the above-captioned proceeding for the limited purpose of filing a motion to dismiss. No timely response in opposition to the petition has been filed.

In support of its petition, the County states that its substantial interests are affected by Intercoastal's application in two ways. First, the County argues that Intercoastal's application is an attempt to circumvent the County's legitimate, statutory authority to regulate the water and wastewater utilities within St. Johns County. Second, the County states that Intercoastal is seeking through its application to serve areas which the County is currently obligated to serve by Ordinance 99-36 and by contract.

DOCUMENT NUMBER-DATE

02206 FEB 17 8

FPSC-RECORDS/REPORTING

543

ORDER NO. PSC-00-0336-PCO-WS  
DOCKETS NOS. 992040-WS, 990696-WS  
PAGE 2

Pursuant to Rule 25-22.039, Florida Administrative Code, a motion for leave to intervene must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.


Based on the nature of the proceeding, it appears that the Commission's decision may affect the County's substantial interests. Therefore, the County shall be granted intervenor status. However, the County's intervention shall not be limited. Rule 25-22.039, Florida Administrative Code, does not contemplate or provide for limited intervention. As a party to this proceeding, the County may limit its participation to only certain issues, as it sees fit. Furthermore, pursuant to Rule 25-22.039, Florida Administrative Code, the County, as intervenor, takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition of St. Johns County, Florida to intervene in this proceeding is hereby granted as set forth in the body of this Order. It is further

ORDERED that all parties to this proceeding shall furnish copies of all pleadings and other documents that are hereinafter filed to Suzanne Brownless, Esquire, Suzanne Brownless, P.A., 1311-B Paul Russell Road, Suite 201, Tallahassee, Florida 32301, counsel for St. Johns County, Florida.

By ORDER of the Florida Public Service Commission this 17th day of February, 2000.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

DTV

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.