

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase
in wastewater rates in Seven
Springs System in Pasco County
by Aloha Utilities, Inc.

DOCKET NO. 991643-SU
ORDER NO. PSC-00-1288-PCO-SU
ISSUED: July 17, 2000

ORDER GRANTING STAFF'S AND THE OFFICE OF PUBLIC COUNSEL'S MOTIONS
FOR EXTENSION OF TIME TO FILE PREFILED TESTIMONY,
MODIFYING ORDER NO. PSC-00-0872-PCO-SU, AND ACKNOWLEDGING
SETTLEMENT OF DISCOVERY DISPUTE AND WITHDRAWAL OF MOTION TO
COMPEL

Staff's First Set of Interrogatories and Request for Production were served on Aloha Utilities, Inc. (Aloha or utility), on May 24, 2000. Pursuant to Order No. PSC-00-0872-PCO-SU, issued May 3, 2000 (Order Establishing Procedure), any objection or request for clarification to discovery is to be made within 10 days of service of the request. Responses to these discovery requests were due on June 28, 2000. Although the utility either objected or failed to respond to several interrogatories, no objections were filed within the required 10-day time period. In addition, Aloha untimely filed its responses to both the Interrogatories and Requests for Production on June 30, 2000.

On July 10, 2000, staff filed a Motion to Compel, Request for Extension of Time to File Prefiled Testimony, and Request for Expedited Response Time on Motion to Compel (Motion to Compel). In its Motion to Compel, staff requested that Aloha be ordered to comply with the discovery requests by July 18, 2000.

On July 10, 2000, the Office of Public Counsel (OPC) filed a Motion for Extension of Time to File Testimony. On July 11, 2000, OPC filed an Amendatory Motion clarifying that they seek a testimony due date of July 31, 2000. By Order No. PSC-00-1272-PCO-SU, issued July 11, 2000, any response to the Motion to Compel was to be filed by July 13, 2000. In addition, all parties were ordered to file by July 13, 2000, any responses to the Motions of staff and OPC for Extension of Time to Prefile Testimony. The utility filed its timely response to both Staff's Motion and OPC's Motion on July 13, 2000. On that same date, the utility also filed its request for oral argument on the two motions.

DOCUMENT NUMBER-DATE

08611 JUL 17 8

FPSC-RECORDS/REPORTING

EXTENSION OF TIME TO PREFILE DIRECT TESTIMONY

Although the utility requested oral argument on both motions, the utility agreed that if it was also given a two-week extension to file rebuttal, it would not need oral argument on the Motions for Extension of Time.

Because of the untimely filing of objections and responses to staff's discovery requests, both staff and OPC have requested an extension of time in which to file prefiled testimony. Staff notes that staff testimony is due on August 14, 2000, and that staff planned to have the requested data no later than June 28, 2000, so that it could properly prepare its testimony. Staff notes that even if the utility is now made to provide the information by no later than July 18, 2000, staff will have lost 20 days in which to adequately prepare its testimony. Similarly, OPC states that it would not have time to file its prefiled testimony by July 17, 2000, and requests in its Motion for Extension of Time to File Testimony, as amended on July 11, 2000, to be given until July 31, 2000 to prefile its testimony.

The untimely responses by the utility have restricted the time for staff and OPC to prefile testimony. Therefore, staff shall be given up to and including August 28, 2000, to prefile its direct testimony. OPC shall have up to and including July 31, 2000, to prefile its direct testimony. Also, the utility shall be given a two-week extension and shall file its rebuttal testimony on September 11, 2000. Because the utility is also being given a two-week extension, there is no need to have oral argument on the Motions for Extension of Time. Order No. PSC-00-0872-PCO-SU, issued May 3, 2000, is therefore modified to reflect the changes in controlling dates as set forth herein, and is otherwise reaffirmed in all other respects.

Controlling Dates

Based on the above, the controlling dates for the filing of OPC testimony and exhibits, staff testimony and exhibits, and rebuttal testimony set forth in the Order Establishing Procedure, Order No. PSC-00-0872-PCO-SU, are revised as follows:

- 1) Intervenors' direct testimony
and exhibits

July 31, 2000

- | | | |
|----|---|--------------------|
| 2) | Staff's direct testimony and exhibits, if any | August 28, 2000 |
| 3) | Rebuttal testimony and exhibits | September 11, 2000 |

MOTION TO COMPEL AND SETTLEMENT OF DISCOVERY DISPUTE

The utility and staff have reached a settlement on the discovery dispute. For Interrogatory No. 3, staff has agreed to accept, and the utility has agreed to provide information regarding any known or measurable changes to: purchased water; purchased wastewater; envelope billing; new employees; customer growth in the Seven Springs service area; and cost of the pilot project required by Order No. PSC-00-1285-FOF-WS, issued July 14, 2000, in Docket No. 960545-WS. For Interrogatory No. 7(b), the utility has agreed to provide the information requested. Staff now agrees that no further response is required for Interrogatory No. 28(c). For Interrogatory No. 31, the utility has agreed to provide a customer billing history file in ASCII format from mid-1995 through 1998, including record layout. The utility will also provide a customer billing history in FoxPro format from mid-1998 through December 31, 1999. The utility has agreed to provide the above mentioned information on July 20, 2000.

Staff agrees that provision of the above-noted information on that date will resolve all pending discovery disputes, and withdraws its Motion to Compel based on the above-noted settlement. Therefore, there is no need to rule on Staff's Motion to Compel.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Staff's Motion for Extension of Time to file Prefiled Testimony is hereby granted. Staff shall be given up to and including August 28, 2000, to prefile its direct testimony. It is further

ORDERED that the Office of Public Counsel's Motion for Extension of Time to File Prefiled Testimony, as amended, is hereby granted. The Office of Public Counsel shall have up to and including July 31, 2000, in which to file its prefiled testimony. It is further

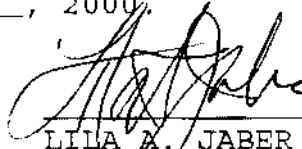
ORDERED that Aloha Utilities, Inc. shall have until September

ORDER NO. PSC-00-1288-PCO-SU
DOCKET NO. 991643-SU
PAGE 4

11, 2000, to file rebuttal testimony. It is further

ORDERED that Order No. PSC-00-0872-PCO-SU, issued May 3, 2000, is hereby modified to reflect the changes in controlling dates as set forth herein, and is otherwise reaffirmed in all other respects.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 17th day of July, 2000.



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

JKF

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

ORDER NO. PSC-00-1288-PCO-SU
DOCKET NO. 991643-SU
PAGE 5

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.