

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificate No. 106-W to add
territory in Lake County by
Florida Water Services
Corporation.

DOCKET NO. 991666-WU
ORDER NO. PSC-00-2096-PCO-WU
ISSUED: November 6, 2000

ORDER GRANTING JOINT MOTION FOR
EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY AND
GRANTING, IN PART, JOINT MOTION FOR CONTINUANCE

On November 3, 1999, Florida Water Services Corporation (FWSC or utility) filed an application for amendment of Certificate No. 106-W to add territory in Lake County. The City of Groveland (City) timely filed a protest to the application on November 24, 1999. By Order No. PSC-00-0623-PCO-WU, issued April 3, 2000 (Order Establishing Procedure), this matter has been set for an administrative hearing on December 11 and 12, 2000. By Order No. PSC-00-1405-PCO-WU, issued August 1, 2000, the filing dates for rebuttal testimony and prehearing statements were revised to October 31, 2000 and November 17, 2000, respectively. On October 27, 2000, the parties filed a Joint Motion for Extension of Time to File Rebuttal Testimony and Joint Motion for Continuance of the final hearing dates.

In support of the motion to extend the rebuttal testimony date, FWSC states that additional time is needed because Mr. Sweat, who sponsored prefiled testimony, is no longer employed by FWSC. Mr. Tillman, who will be adopting Mr. Sweat's testimony, is currently in the process of assuming numerous duties previously assigned to Mr. Sweat. Further, Mr. Tillman is scheduled to be out of the country until November 13, 2000. Finally, Mr. Tillman is the person responsible for exploring a possible settlement with the City. The City also stated that it was requesting additional time to explore a possible settlement, prepare any rebuttal testimony to the testimony filed by staff's witness, and to be able to file rebuttal testimony at the same time as FWSC. Both parties request that the filing date for rebuttal testimony be extended thirty days, until November 30, 2000.

In support of the joint motion for continuance, the parties assert that they have initiated settlement discussions. The City

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has made a settlement proposal to FWSC. Further, FWSC has contacted the City Manager and requested the opportunity to make a settlement proposal to the City Commission which is scheduled to meet on December 4, 2000. The parties contend that postponing the final hearing 60 to 90 days will assist the parties in focusing on settlement, even though this may not result in this case being settled. Our staff has no objection to the motions.

Upon consideration of the foregoing, it appears reasonable to grant the Motion for Extension of Time to file Rebuttal Testimony. Further, it appears reasonable to grant, in part, the joint motion to continue the hearing. With the concurrence of the Chairman's office, the hearing will be rescheduled. However, due to the constraints on the Commission's calendar it is not reasonable to expect that this matter can be rescheduled within 60 to 90 days of the original hearing dates. In addition, it is appropriate to revise the other key activity dates established in Orders Nos. PSC-00-0623-PCO-WU and PSC-00-1405-PCO-WU. Accordingly, the following dates shall govern this case:

- | | |
|---------------------------------------|--------------------------|
| 1) Rebuttal testimony
and exhibits | November 30, 2000 |
| 2) Prehearing statements | February 8, 2001 |
| 3) Prehearing Conference | March 1, 2001 |
| 4) Hearing | March 13 and 14,
2001 |
| 5) Briefs | April 13, 2001 |

Except as modified herein, all other provisions of Orders Nos. PSC-00-0623-PCO-WU and PSC-00-1405-PCO-WU shall remain in effect.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

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Based on the foregoing, it is

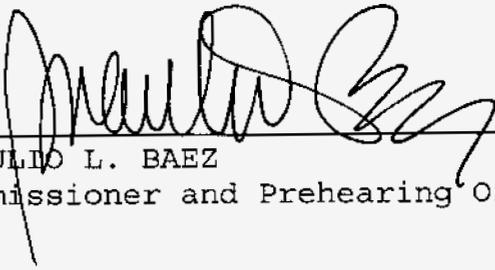
ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Joint Motion for Extension of Time to File Rebuttal Testimony and Exhibits is granted. It is further

ORDERED that the Joint Motion for Continuance of the hearing dates is granted, in part, as set forth in the body of this Order. It is further

ORDERED that the key activity dates established by Orders Nos. PSC-00-0623-PCO-WU and PSC-00-1405-PCO-WU are modified as set forth in the body of this Order. It is further

ORDERED that except as modified herein, Orders Nos. PSC-00-0623-PCO-WU and PSC-00-1405-PCO-WU are reaffirmed in all other respects.

By ORDER of Commissioner Braulio L Baez, as Prehearing Officer this 6th day of November, 2000.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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.