

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-01-0374-PCO-WU
ISSUED: February 13, 2001

ORDER GRANTING COMMISSION STAFF'S
MOTION TO LATE-FILE PREHEARING STATEMENT

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 (Order Establishing Procedure), issued April 3, 2000, this matter was 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 testimony and prehearing statements were revised. 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. By Order No. PSC-00-2096-PCO-WU, issued November 6, 2000, the prehearing statement date was changed to February 8, 2001. By Order No. PSC-01-0279-PCO-WU, issued January 31, 2001, the hearing dates were changed to March 15 and 16, 2001.

On February 9, 2001, Commission staff (staff) filed a Motion to Late-File Prehearing Statement along with its prehearing statement, which was filed one day late. In its motion, staff explained that FWSC's counsel sent a letter dated January 19, 2001, requesting assistance in rescheduling the March 15 and 16, 2001, hearing dates. Staff further explained that the letter was received prior to the issuance of Order No. PSC-01-0279-PCO-WU, which memorialized the changed hearing dates. Staff stated that FWSC's counsel was contacted the day that Order No. PSC-01-0279-PCO-WU was issued because of the request in the January 19, 2001, letter. Staff explained that its understanding was that FWSC would be filing a motion to reschedule the hearing dates and other key activities dates on or before the prehearing statement due date. However, no motion was filed by February 8, 2001. Due to these circumstances, staff stated that it inadvertently missed the filing date for the prehearing statement. Staff further stated that the

DOCUMENT NUMBER-DATE

02036 FEB 13 2001

FPSC-RECORDS REPORTING

ORDER NO. PSC-01-0374-PCO-WU
DOCKET NO. 991666-WU
PAGE 2

parties had been contacted and that they have no objection to staff's late-filed prehearing statement.

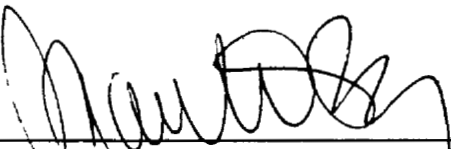
I find that the parties will not be prejudiced by the late filing of staff's prehearing statement. Therefore, I find it appropriate to grant the motion and accept staff's late-filed prehearing statement.

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.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Commission staff's Motion to Late-File Prehearing Statement is hereby granted, and staff's prehearing statement is accepted.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 13th day of February, 2001.



BRAULIO L. BAEZ
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.