

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

DOCKET NO. 010441-EU
ORDER NO. PSC-01-1476-PCO-EU
ISSUED: July 13, 2001

ORDER RESCHEDULING PREHEARING AND HEARING, ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR CONTINUANCE OF CONTROLLING DATES, AND ORDER MODIFYING ORDER ON PROCEDURE

On April 10, 2001, pursuant to Sections 366.04(2)(e), 366.04(5), and 366.055(3), Florida Statutes, West Florida Electric Cooperative Association, Inc. (West Florida or WFEC) filed a Petition to Resolve Territorial Dispute between West Florida and Gulf Power Company (Gulf). Gulf filed its Answer to the Petition on May 8, 2001. There are no intervenors in this matter. The parties and staff agree that a hearing is the most expeditious way to resolve the dispute, and accordingly, the matter was set for hearing on September 5, 2001. By Order No. PSC-01-1354-PCO-EU (Order Establishing Procedure), the controlling dates, including the prehearing and hearing dates, were established.

At the June 25, 2001, Agenda Conference, the Commission ordered that the Commission Staff and parties to Docket No. 010827-EI, develop an expedited schedule for that docket. The parties to that docket are Gulf and the Office of Public Counsel. Subsequently, it was proposed that the hearing date originally scheduled for this docket, September 5, 2001, be postponed until September 19, 2001 (making September 5, 2001, available for a hearing in 010827-EI). Due to other scheduling concerns, the date of the prehearing conference shall be changed from August 23, 2001, to August 30, 2001. The parties do not object to the new dates for the hearing and prehearing conference.

On July 9, 2001, West Florida filed a Motion for Continuance of Controlling Dates. On July 10, 2001, Gulf filed a Response to and Joinder With WFEC's Motion for Continuance of Controlling Dates. West Florida proposed the following dates in its Motion:

Direct testimony	July 30, 2001
Staff testimony	August 20, 2001

DOCUMENT NUMBER-DATE

08600 JUL 13 2001

FPSC-RECORDS/REPORTING

All rebuttal testimony August 27, 2001
Prehearing statements August 27, 2001

Gulf proposed the same dates as West Florida but, in addition, Gulf proposed that the filing of intervenor testimony be postponed by two weeks to August 13, 2001.

The proposed dates for direct and intervenor testimony are acceptable. However, the filing of rebuttal testimony and prehearing statements on August 27, 2001, is too close to the date of the prehearing conference to allow for adequate preparation for the prehearing conference. To allow adequate time to prepare for the prehearing conference, the filing dates for rebuttal testimony and prehearing statements shall be moved forward to August 22, 2001. The filing date for Staff testimony shall be moved to August 16, 2001. Therefore, West Florida's Motion for Continuance of Controlling Dates is granted in part and denied in part. Likewise, that portion of Gulf's Response to and Joinder in WFEC's Motion for Continuance of Controlling Dates that proposes a revised filing date for intervenor testimony is granted.

The revised controlling dates in this docket are listed below:

- 1) Direct testimony and exhibits of both parties July 30, 2001
- 2) Intervenor testimony and exhibits, if any August 13, 2001
- 3) Staff's direct testimony and exhibits, if any August 16, 2001
- 4) All rebuttal testimony and exhibits August 22, 2001
- 5) Prehearing Statements August 22, 2001
- 6) Prehearing Conference August 30, 2001
- 7) Completion of Discovery September 12, 2001
- 8) Hearing September 19, 2001
- 9) Briefs October 10, 2001

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Therefore, Order No. PSC-01-1354-PCO-EU is modified to reflect all of these new dates. Order No. PSC-01-1354-PCO-EU is affirmed in all other respects.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the prehearing conference shall be rescheduled from August 23, 2001, to August 30, 2001. It is further


ORDERED that the hearing shall be rescheduled from September 5, 2001, to September 19, 2001. It is further

ORDERED that West Florida Electric Cooperative's Motion for Continuance of Controlling Dates is granted in part and denied in part. It is further

ORDERED that the portion of Gulf Power Company's Response to and Joinder in WFEC's Motion for Continuance of Controlling Dates pertaining to intervenor testimony is granted. It is further

ORDERED that Order No. PSC-01-1354-PCO-EU is modified to reflect the controlling dates contained in this Order, and that Order No. PSC-01-1354-PCO-EU is affirmed in all other respects.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 13th day of July, 2001.



LILA A. JABER
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 the Commission Clerk and Administrative Services, 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.