

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase
in water rates in Orange County
by Wedgefield Utilities, Inc.

DOCKET NO. 991437-WU
ORDER NO. PSC-01-1511-PCO-WU
ISSUED: July 20, 2001

ORDER GRANTING OFFICE OF PUBLIC COUNSEL'S
MOTION TO RESCHEDULE HEARING

By Order No. PSC-01-0544-PCO-WU, issued March 8, 2001 (Second Order Modifying Order Establishing Procedure), a hearing was scheduled in this docket for July 25 and 26, 2001. On July 18, 2001, the Office of Public Counsel (OPC) filed a Motion to Reschedule Hearing. On July 18, 2001, Wedgefield Utilities, Inc. (Wedgefield or utility) filed its response to OPC's Motion.

In support of its Motion, OPC states that Rule 25-22.0407(6)(a) and (b), Florida Administrative Code, requires that the utility provide written notice of the date, time, location and purpose of the hearing to all customers within the service area no less than 14 days and no more than 30 days before the scheduled hearing. Further, OPC states that Rule 25-22.0407(7), Florida Administrative Code, requires that the utility publish in a newspaper of general circulation in the area in which the hearing is to be held a display advertisement stating the date, time, location and purpose of the hearing. OPC contends that upon its information and belief, Wedgefield failed to provide the notices required by Rule 25-22.0407, Florida Administrative Code. Therefore, OPC requests that the hearing be rescheduled and that the utility be required to provide notice in accordance with Rule 25-22.0407, Florida Administrative Code, of the new hearing dates. Further, OPC states that it believes that Wedgefield does not object to rescheduling the hearing.

In its Response, Wedgefield states that it does not object to the granting of OPC's motion. Further, Wedgefield agrees to an extension of time through and including December 31, 2001, to refrain from exercising its rights pursuant to Section 367.081, Florida Statutes, to implement the full amount of rates requested in its Petition for an increase in rates filed on November 12, 1999. In telephonic conversations with staff counsel, Wedgefield acknowledged that no notice was sent to the customers and that the

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utility would further waive the statutory deadline as necessary to accommodate the Commission's calendar.

Rule 25-22.0407, Florida Administrative Code, requires that the utility provide written notice to all customers in the service area included in the rate request no less than 14 days before a scheduled service hearing. Moreover, Order No. PSC-00-1895-PCO-WU, Order Establishing Procedure, issued October 16, 2000, required "the utility shall give written notice of the date, time, location, and purpose of the hearing to each of its customers no less than fourteen days prior to the first day of the hearing". Id. at 3.

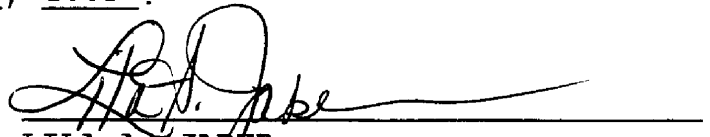
Wedgefield failed to provide notice to the customers. Currently, there are less than 14 days until the scheduled hearing, and thus, no means of curing the lack of notice exist. The purpose of the service hearing is for the Commission to hear customer testimony regarding the rate increase. Without proper notice, customers will not have the opportunity to address the Commission. Thus, it is appropriate to reschedule the hearing dates due to the lack of said notice. The revised hearing and brief filing dates shall be set forth in a subsequent order.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the Office of Public Counsel's Motion to Reschedule Hearing is hereby granted. It is further

ORDERED that revised hearing and brief filing dates shall be set forth in a subsequent order.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 20th day of July, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

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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.