

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Water and wastewater industry annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

DOCKET NO. 010006-WS
ORDER NO. PSC-01-1767-PCO-WS
ISSUED: August 29, 2001

ORDER GRANTING FLORIDA WATERWORKS ASSOCIATION'S AGREED MOTION FOR EXTENSION OF TIME TO FILE PREFILED TESTIMONY AND FIRST ORDER REVISING CONTROLLING DATES

By Order No. PSC-01-1447-PCO-WS, issued July 6, 2001, the prefiled testimony and exhibits of the Florida Waterworks Association (FWA) were due to be filed on August 31, 2001. However, on August 28, 2001, the FWA filed its Agreed Motion for Extension of Time to File Prefiled Testimony. FWA notes that the Office of Public Counsel (OPC) filed its Notice of Intervention on August 24, 2001, and that intervenor testimony and exhibits are also due on August 31, 2001.

Extension of Time to Prefile Direct Testimony

FWA states that it has determined that the testimony of an additional expert witness is required. However, because of scheduling conflicts and summer vacations, FWA states that it needs an additional seven days to develop such testimony and to better frame the issues for the Commission. Counsel for OPC and counsel for Commission staff have stated that they have no objection to a seven day extension of time in which to prefile testimony.

Based on all of the above, FWA's Agreed Motion for Extension of Time is granted, and a seven day extension for the filing of testimony and exhibits is granted. FWA and intervenor direct testimony shall be prefiled by September 7, 2001.

Controlling Dates

Based on the above, the controlling dates for the filing of FWA's and OPC's testimony and exhibits, Commission staff's testimony and exhibits, rebuttal testimony and exhibits, and

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prehearing statements, set forth in the Order Establishing Procedure, Order No. PSC-01-1447-PCO-WS, are revised as follows:

- 1) FWA and intevenors' direct testimony and exhibits September 7, 2001
- 2) Staff's direct testimony and exhibits, if any September 28, 2001
- 3) Rebuttal testimony and exhibits October 5, 2001
- 4) Prehearing statements October 12, 2001

The dates for the prehearing conference and hearing remain the same, and all other aspects of Order No. PSC-01-1447-PCO-WS are hereby reaffirmed.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Florida Waterworks Association's Agreed Motion for Extension of Time to File Prefiled Testimony is hereby granted. The Florida Waterworks Association and intervenors shall be given up to and including September 7, 2001, to prefile their direct testimony. It is further

ORDERED that the controlling dates set forth in Order No. PSC-01-1447-PCO-WS, issued July 6, 2001, are hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-01-1447-PCO-WS is otherwise reaffirmed in all other respects.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 29th day of August, 2001.



MICHAEL A. PALECKI

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.