

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate
increase in Orange County by
Zellwood Station Co-Op, Inc.

DOCKET NO. 010492-WS
ORDER NO. PSC-02-0339-PCO-WS
ISSUED: March 14, 2002

ORDER GRANTING MOTION FOR EXTENSION OF REVISED MFR FILING DATE

By Order No. PSC-98-1572-FOF-WS, issued November 23, 1998, in Docket No. 980307-WS, the Commission required Zellwood Station Co-Op, Inc. (Zellwood or utility) to file a rate case specifically addressing a consumption-based and/or conservation rate structure by September 2, 2001. The utility completed filing the minimum filing requirements (MFRs) for its requested rate increase on October 10, 2001. The utility specifically requested that its petition for increased water rates be set directly for administrative hearing. Accordingly, by Order No. PSC-01-2206-PCO-WS, issued November 14, 2001, a hearing was scheduled in this docket for February 7-8, 2002. On November 9, 2001, the Office of Public Counsel (OPC) filed a Notice of Intervention, which was acknowledged by Order No. PSC-01-2194-PCO-WS, issued November 13, 2001.

On November 30, 2001, Zellwood filed a Motion for Extension of Docket Schedule Dates, stating that it needed time to make certain modifications to its MFRs, and that it might become a bulk water and wastewater customer of Orange County (County), which would significantly alter the utility's position in these proceedings. By Order No. PSC-01-2368-PCO-WS, issued December 7, 2001, Zellwood's request was granted, and new controlling dates were established for the docket. By Order No. PSC-01-2471-PCO-WS, issued December 18, 2001, the final rates, charges, and schedules proposed by Zellwood were suspended in accordance with Section 367.081(6), Florida Statutes. The utility was also ordered to hold annual water revenues of \$71,994, or 28.25%, and wastewater revenues of \$47,628, or 18.27%, subject to refund during the pendency of the case.

On February 28, 2002, Zellwood filed a Motion for Extension of Revised MFR Filing Date (Motion), requesting that the controlling dates be extended by 90 days. In support of its Motion, Zellwood states that it is finalizing negotiations for the sale of

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Zellwood's treatment facilities and entering a bulk water and wastewater agreement with the County. The utility estimates that an agreement can be consummated within the next 90 days. Zellwood states that it has contacted all parties of record, and none have expressed an objection to the granting of the Motion. Further, Zellwood's customers will continue to be protected during the pendency of the docket by the security required pursuant to Order No. PSC-01-2471-PCO-WS. Zellwood will continue to temporarily waive the 8-month statutory deadline for the Commission to approve the requested rates as set forth in Section 367.081, Florida Statutes, until such time as new hearing dates are established for the docket.

Based on the foregoing, the utility's request is reasonable and is hereby granted. Therefore, the following revised dates shall govern this case:

- 1) Revised MFRs, testimony and exhibits June 3, 2002
- 2) Intervenors' direct testimony and exhibits July 22, 2002
- 3) Staff's direct testimony and exhibits, if any August 5, 2002
- 4) Rebuttal testimony and exhibits August 26, 2002
- 5) Prehearing Statements September 3, 2002
- 6) Prehearing Conference September 16, 2002
- 7) Hearing October 2-3, 2002
- 8) Briefs October 31, 2002

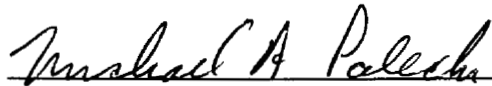
Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Zellwood Station Co-Op, Inc.'s Motion for Extension of Revised MFR Filing Date is granted. It is further

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ORDERED that the controlling dates established in Order No. PSC-01-2206-PCO-WS for refiling MFRs, filing testimony and exhibits, prehearing, hearing, and briefs are modified as set forth in the body of this Order. Order No. PSC-01-2206-PCO-WS is affirmed in all other respects.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 14th day of March, 2002.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

JSB

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

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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.