

In re: Petition by Florida Water Services Corporation (FWSC) for determination of exclusive jurisdiction over FWSC's water and wastewater land and facilities in Hernando County, and application for certificate of authorization for existing utility currently charging for service.

DOCKET NO. 020554-WS  
ORDER NO. PSC-02-1494-PCO-WS  
ISSUED: October 31, 2002

ORDER GRANTING MOTION FOR CONTINUANCE AND  
ESTABLISHING NEW CONTROLLING DATES

On June 21, 2002, Florida Water Services Corporation (Florida Water or Utility) filed its Petition of Florida Water Services Corporation for Determination of Exclusive Commission Jurisdiction Over Florida Water's Land and Facilities in Hernando County and Application for Original Certificates of Authorization for an Existing Utility Currently Charging for Service. Pursuant to Section 367.045, Florida Statutes, and Rule 25-30.030, Florida Administrative Code, Florida Water provided notice, dated June 25, 2002, of its application to the governing body of the county or cities affected, to the Public Counsel, to the Commission, and to such other persons and in such other manner as prescribed by Commission rule.

In response to Florida Water's Notice of Application, on July 25, 2002, Hernando County filed its Notice of Protest of Petition by Florida Water Services Corporation, in which it set forth its arguments against the application filed by Florida Water, and also formally requested a formal administrative hearing pursuant to the provisions of Chapter 120, Florida Statutes. Additionally, on July 25, 2002, Pasco County filed its formal notification of protest to Florida Water's application, and in a subsequent letter dated August 5, 2002, formally requested a hearing.

By Order No. PSC-02-1316-PCO-WS, issued September 20, 2002, a procedural schedule was established setting forth the controlling dates for this docket. On October 18, 2002, Florida Water filed a

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Motion for Continuance of the final hearing, set for March 19-21, 2003 (Motion). In support of its Motion, Florida Water states that it has entered into an agreement for the sale of its assets to a governmental agency, the Florida Water Services Authority. Florida Water asserts that in view of the agreement for sale, it may be unnecessary to develop testimony, conduct discovery, and proceed to hearing. Florida Water requests that a three (3) month continuance of the controlling dates set out by the Order Establishing Procedure, and continuing the final hearing, would be appropriate in these circumstances. The Motion states that counsel for the Intervenor/Objectors Hernando County and Pasco County do not object to the continuance.

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 April 21, 2003
- 2) Intervenors' direct testimony and exhibits May 21, 2003
- 3) Staff's direct testimony and exhibits, if any June 2, 2003
- 4) Rebuttal testimony and exhibits June 9, 2003
- 5) Prehearing Statements June 16, 2003
- 6) Prehearing Conference June 23, 2003
- 7) Hearing July 19-20, 2003
- 8) Briefs August 15, 2003

Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by June 16, 2003.

Based on the foregoing, it is

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ORDERED by Commissioner Braulio A. Baez, as Prehearing Officer, that Florida Water Services Corporation's Motion for Continuance is granted. It is further

ORDERED that the controlling dates established in Order No. PSC-02-1316-PCO-WS are modified as set forth in the body of this Order. Order No. PSC-02-1316-PCO-WS is affirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 31st day of October, 2002.



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BRAULIO L. BAEZ  
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.

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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.