

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate  
increase by Florida Public  
Utilities Company.

DOCKET NO. 030438-EI  
ORDER NO. PSC-03-1347-PCO-EI  
ISSUED: November 25, 2003

ORDER GRANTING OPC'S MOTION FOR EXTENSION OF TIME TO FILE  
TESTIMONY AND FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE

Order No. PSC-03-1052-PCO-EI, issued September 22, 2003, established the procedures and controlling dates which govern this docket. On November 14, 2003, the Office of Public Counsel (OPC) filed its Motion for Extension of Time to File Testimony (Motion), seeking an extension of the November 28, 2003, deadline for filing its direct testimony in this docket.

In support of its Motion, OPC states that Commission staff's audit report is due on December 19, 2003, and in most cases, the staff audit identifies areas which give rise to issues or otherwise call for Commission attention. OPC seeks an opportunity to address areas uncovered by staff's audit. In addition, OPC states that Florida Public Utilities Company's (FPUC) response to OPC's discovery have also raised areas of concern which require further investigation and examination. OPC therefore requests an extension of time so that it may have these issues fully developed to present to the Commission through direct testimony. FPUC does not object to OPC's request for extension, provided FPUC is also given an appropriate extension of time to respond.

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

- |  |                   |
|--|-------------------|
| 1) Intervenor's direct testimony and exhibits    | December 29, 2003 |
| 2) Staff's direct testimony and exhibits, if any | January 9, 2004   |
| 3) Rebuttal testimony and exhibits               | January 23, 2004  |
| 4) Prehearing Statements                         | January 23, 2004  |

Order No. PSC-03-1052-PCO-EI is affirmed in all other respects.

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Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the controlling dates for filing testimony and prehearing statements established in Order No. PSC-03-1052-PCO-EI are modified as set forth in the body of this Order. Order No. PSC-03-1052-PCO-EI is affirmed in all other respects.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 25th day of November, 2003.

  
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J. TERRY DEASON  
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; or (2) 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.