

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

DOCKET NO. 100330-WS
ORDER NO. PSC-11-0520-PCO-WS
ISSUED: November 4, 2011

ORDER DENYING JOINT MOTION TO MOVE BRIEF FILING DATE BASED ON
ADJUSTED TRANSCRIPT FILING DATES

By Order No. PSC-11-0309-PCO-WS, the Order Establishing Procedure, issued July 25, 2011, the schedule in this case was established. Pursuant to that schedule, technical hearings were scheduled for November 29, and 30, and December 1, 7, and 8, 2011. Based on these dates, transcripts for all days were scheduled to be due on December 16, 2011, and briefs of the parties were scheduled to be due on December 30, 2011.

However, on October 21, 2011, the four intervenors (collectively Intervenors)¹ filed their Joint Motion to Move Brief Filing Date (Joint Motion). In that Joint Motion, the Intervenors note that there is only two weeks from the due date of the transcripts and the due date of the briefs, and that a major holiday falls within that period. The Intervenors further note that the transcripts are essential in drafting the briefs and that this is a rate proceeding with over 30 issues. The Intervenors conclude that the two-week schedule creates an undue hardship, and that daily transcripts due by 5 p.m. the following business day should be provided. The Intervenors therefore request that the Commission grant their Joint Motion, and move the brief filing date to January 6, 2012.

The Intervenors further note that Aqua Utilities Florida, Inc., did not join in with this Joint Motion because it was concerned that this "might push back the Special Agenda," currently scheduled for February 15, 2012. The Intervenors respond that they do not believe that the moving of the brief filing date by one week would have an impact on the Special Agenda, and that they are not requesting that the Special Agenda date be moved.

At this time, the internal schedule of the Commission staff shows the first draft of its recommendation to be due on January 13, 2012. Having briefs due on January 6, 2012, would make it impossible for staff to make this date and would create an undue hardship on staff to file its final recommendation on February 3, 2012, as currently scheduled.

In an attempt to reach a compromise, and provide the parties with additional time to have the transcripts, staff has agreed to have the transcripts for the first three days of the hearing due

¹ Office of Public Counsel (OPC), the Attorney General's Office (AG), Pasco County, and Yes Companies, LLC d/b/a Arredondo Farms (Yes)

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on December 9, 2011, a full week earlier than originally contemplated. Therefore, for the first three days of the technical hearing, all parties would get the extra week of having the transcripts. Further, for the last two days of the technical hearing (December 7 and 8, 2011), staff has requested expedited transcripts with transcripts being due December 12 and 13, 2011, respectively. Therefore, for these two days, if the hearing goes that long, the parties would get the transcripts four and three days earlier than originally scheduled.

I find that this is the best compromise available. Based on the above, the Intervenors' Joint Motion is denied. This is with the understanding that the transcripts for the first three days of the technical hearing will be provided no later than December 9, 2011, and that the transcripts for the last two days of the technical hearing,² will be provided by no later than December 12 and 13, 2011, respectively.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the Joint Motion to Move Brief Filing Date by the Intervenors is denied as set forth above. It is further

ORDERED that this denial is based on the transcripts being provided as set out in the body of this Order.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 4th day of November, 2011.



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² If they occur or are used at all.

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; 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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.