

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for water and wastewater  
service in Duval, Baker, and Nassau Counties,  
by First Coast Regional Utilities, Inc.

DOCKET NO. 20190168-WS  
ORDER NO. PSC-2021-0102-PCO-WS  
ISSUED: March 10, 2021

ORDER ABATING PROCEEDING

On August 27, 2019, pursuant to Sections 367.031 and 367.045, Florida Statutes (F.S.), and Rule 25-30.033, Florida Administrative Code (F.A.C.), First Coast Regional Utilities, Inc. (First Coast or Utility) filed an application for an original certificate of authorization and initial rates and charges for water and wastewater service in Duval, Baker, and Nassau Counties in Docket No. 20190168-WS. On December 26, 2019, JEA filed an objection to First Coast's application.<sup>1</sup> Order No. PSC-2020-0112-PCO-WS (Procedural Order), issued on April 17, 2020, and later amended by Order No. PSC-2021-0079-PCO-WS, established hearing procedures to govern this Docket, including controlling dates.

On February 26, 2021, JEA filed a Petition for Writ of Prohibition in the First District Court of Appeal (Case No. 1D21-0579, *JEA v. First Coast Regional Utilities, Inc.*), asserting that the Commission is improperly exercising jurisdiction in Docket No. 20190168-WS. On March 2, 2021, the First District Court of Appeal issued a show cause order, requiring the Respondent to show cause why the Petition for Writ of Prohibition should not be granted.

Pursuant to Rule 9.100(h), Florida Rules of Appellate Procedure, this proceeding is stayed pending the outcome of the First District Court of Appeal Case No. 1D21-0579. Therefore, all scheduled actions, including discovery, the filing of prehearing statements, and the prehearing and hearing are abated until further notice.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that all activities in Docket No. 20190168-WS shall be held in abeyance. Any revised proceedings shall be established by separate order at a later date. It is further

ORDERED that the prehearing currently scheduled for April 15, 2021, and the hearing currently scheduled for April 27-28, 2021, are held in abeyance.

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<sup>1</sup> See Document No. 11478-2019.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 10th day of March, 2021.



ART GRAHAM

Commissioner and Prehearing Officer  
Florida Public Service Commission  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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; 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.