

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of PALM COAST UTILITY CORPORATION for verification of utility investment in water and sewer assets in Flagler County))))))	DOCKET NO. 871395-WS
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In re: Application of PALM COAST UTILITY CORPORATION for increased rates in Flagler County)))))	DOCKET NO. 890277-WS ORDER NO. 22252 ISSUED: 11-30-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
THOMAS M. BEARD
GERALD L. GUNTER
JOHN T. HERNDON

ORDER CLARIFYING ORDER SUBSUMING
INVESTIGATION DOCKET ISSUES INTO
RATE CASE DOCKET

BY THE COMMISSION:

By Order No. 18785, issued February 2, 1988, this Commission initiated an investigation into the level of investment in utility assets by Palm Coast Utility Corporation (PCUC). The investigation was assigned to Docket No. 871395-WS. By Order No. 18713, issued January 21, 1988, we acknowledged the intervention of the Office of Public Counsel (OPC) in this proceeding.

On January 26, 1989, the Staff of this Commission (Staff) submitted its findings for our consideration at the February 7, 1989 Agenda Conference; however, the matter was deferred until a later date.

On February 3, 1989, OPC filed a motion for a four-month extension of time to compile and file its findings and recommendations in this docket. OPC's motion was granted by Order No. 21075, issued April 20, 1989.

On May 19, 1989, PCUC completed the minimum filing requirements for a general rate increase. Its application for increased rates was assigned to Docket No. 890277-WS.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Since the issues addressed in the investigation docket were also germane to the application for increased rates, by Order No. 21794, issued August 28, 1989, we subsumed Docket No. 871395-WS, the investigation docket, into Docket No. 890277-WS, the rate case docket. This case is currently scheduled for an administrative hearing on December 6, 7 and 8, 1989.

On September 5, 1989, PCUC filed a motion for clarification of the following language in Order No. 21794:

All information gleaned or produced during this investigation shall, therefore, become part of Docket No. 890277-WS . . .

PCUC wishes to be assured that the introduction of any information from the investigation case into the record of the rate case shall be pursuant to proper evidentiary requirements. PCUC also wishes to be assured that such information shall be subject to all available objections. Further, PCUC suggests that any information from the investigation docket must be submitted as a prefiled exhibit if it is to be introduced into the record of the rate case hearing.

Upon consideration, we hereby clarify Order No. 21794 to state that information from the investigation docket shall be subject to proper evidentiary requirements and all available objections by parties. However, we reject PCUC's suggestion that all such information must be submitted as a prefiled exhibit if it is to be entered into the record. As in many other cases, certain documents or other information may be required to be introduced for the purpose of cross examination. Of course, such information shall remain subject to proper evidentiary requirements and objections by parties.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. 21794 is hereby clarified to state that all information from Docket No. 871395-WS, the investigation docket, shall be subject to proper evidentiary requirements and all available objections. It is further

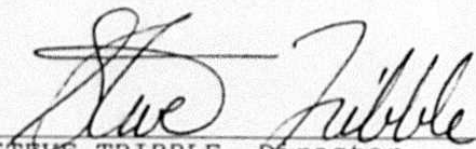
ORDERED that Palm Coast Utility Corporation's suggestion that any information that may be used as an exhibit must be

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submitted as a prefiled exhibit is hereby rejected. It is further

ORDERED that all other provisions of Order No. 21794 remain unaffected by this Order.

By ORDER of the Florida Public Service Commission this 30th day of NOVEMBER, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

Any party adversely affected by the Commission's final action in this matter may request 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.