

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate increase) DOCKET NO. 900329-WS
 in Citrus, Martin, Marion and Charlotte/) ORDER NO. 23108
 Lee Counties by Southern States) ISSUED: 6-25-90
 Utilities, Inc.; in Collier County by)
 Marco Island Utilities (Deltona) and)
 Marco Shores Utilities (Deltona); in)
 Marion County by Marion Oaks Utilities)
 (United Florida); and in Washington)
 County by Sunny Hills Utilities)
 (United Florida))

ORDER GRANTING WAIVER OF FORTHCOMING
 RULE REQUIREMENT

By letter dated April 25, 1990, Southern States Utilities, Inc., Deltona Utilities, Inc., and United Florida Utilities Corporation (Applicants) requested approval of a projected test year ending December, 1991, for proposed rate increases in Citrus, Charlotte/Lee, Collier, Marion, Martin, and Washington Counties. By letter dated May 17, 1990, the Chairman approved the requested test year and Applicants' proposal to submit and have their applications considered on a consolidated basis, and directed applicants to file their applications and minimum filing requirements (MFRs) no later than July 13, 1990. The letter does not address whether Applicants should prefile their direct testimony along with their MFRs; however, Staff had already indicated that it did not believe that testimony would be required to be prefiled with the MFRs and that a testimony filing date would be established subsequent to the filing of the MFRs.

By Order No. 23041, issued June 7, 1990, this Commission gave notice of its adoption of certain amendments to Chapter 25-30, Florida Administrative Code, regarding test year approvals and the MFRs for water and wastewater rate cases. In addition to the staff-recommended amendments, the Commission approved the following amendment to Rule 25-30.430, Florida Administrative Code:

- (3) In the test year approval letter the Commission Chairman may advise whether or not prepared testimony in support of the utility's application will be required to be filed as part of the minimum filing requirements.

DOCUMENT NUMBER-DATE

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- (a) Prepared testimony will be required, as part of the minimum filing requirements, for all cases anticipated to require a formal hearing, rather than a proposed agency action process.
- (b) Where prepared testimony is not required to be filed as part of the minimum filing requirements, it may be required by the Commission or the Commission Chairman during a rate case proceeding.

The rule amendments were filed with the Secretary of State on June 5, 1990. They will become effective June 25, 1990.

On June 19, 1990, Applicants filed a motion for a waiver of the forthcoming requirement of Rule 25-30.430(3)(a), Florida Administrative Code. According to their motion, Applicants expect that they will file their applications and MFRs no later than July 13, 1990, and anticipate that this case will require a formal hearing. Applicants argue that, in good faith reliance on Staff's advice, they have concentrated their efforts on completing their MFRs, at the expense of preparing their prefiled direct testimony. Applicants, therefore, request that they be allowed an additional three weeks, or until August 3, 1990, to prepare and file their direct testimony.

Upon consideration, Applicants' request for a three-week extension of time to prepare and file direct testimony does not appear unreasonable, especially in light of their reliance upon Staff's advice, and since the requirement that testimony be filed with the MFRs was just recently developed. Applicants' motion for a waiver of the forthcoming testimony filing requirement of Rule 25-30.430(3)(a), Florida Administrative Code, is, therefore, granted.

Based upon the foregoing, it is

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the request by Southern States Utilities, Inc., Deltona Utilities, Inc., and United Florida Utilities Corporation for a waiver of the forthcoming testimony filing requirement of Rule 25-30.430(3)(a), Florida Administrative Code, is hereby granted. It is further

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ORDERED that Southern States Utilities, Inc., Deltona Utilities, Inc., and United Florida Utilities Corporation shall prefile their direct testimony no later than August 3, 1990.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 25th day of June, 1990.


THOMAS M. BEARD, Commissioner and
Prehearing Officer

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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 sewer utility. A motion for reconsideration shall be filed

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with the Director, Division of Records and Reporting, 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.