

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for water)	DOCKET NO. 910114-WU
certificate in Brevard, Orange)	ORDER NO. 25025
and Osceola Counties by EAST)	ISSUED: 9/6/91
CENTRAL FLORIDA SERVICES, INC.)	
)	

ORDER GRANTING MOTION TO FILE
SUPPLEMENTAL PREFILED REBUTTAL TESTIMONY

On August 14, 1991, East Central Florida Services, Inc., (ECFS), filed a motion requesting that it be allowed to file supplemental prefiled rebuttal testimony. In the motion, ECFS states that Orange County relies extensively on its current Comprehensive Plan (Plan) in its prefiled direct testimony and has even attached portions thereof to its testimony as exhibits. However, according to ECFS Orange County is not presently able to produce a copy of the entire Plan pursuant to ECFS's discovery request. In order to adequately address the issue in its rebuttal testimony, ECFS claims that it needs to examine the entire Plan. Therefore, ECFS asks for ten days after receipt of the Plan to file supplemental rebuttal testimony.

According to Rule 25-22.037(2)(b), Florida Administrative Code, responses to ECFS's motion were due to be filed on August 26, 1991. No responses were filed.

I believe that ECFS's motion has merit. ECFS should be entitled to review a copy of the complete Orange County Plan before it files rebuttal testimony to Orange County's direct testimony on the same subject. Accordingly, the motion is hereby granted. In addition, since Orange County has represented in its August 30th Prehearing Statement that the Plan is "now ready and will be furnished" to ECFS, I hereby order Orange County to physically deliver the Plan to ECFS by 5:00 P.M., Tuesday, September 10, 1991. ECFS shall file immediately upon its receipt of the requested Plan a notice of its receipt. This will ensure that all parties and the Commission are aware of the time within which ECFS must file the subject testimony.

It is, therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that East Central Florida Services, Inc.'s Motion to Allow Supplemental Prefiled Testimony is hereby granted as set forth in the body of this Order. It is further

DOCUMENT NUMBER-DATE

08915 SEP -6 1991

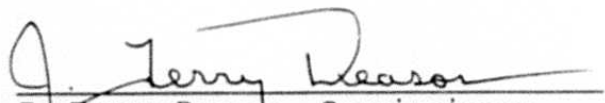
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ORDER NO. 25025
DOCKET NO. 910114-WU
PAGE 2

ORDERED that Orange County shall deliver the requested Plan to East Central Florida Services, Inc., by 5:00 P.M., Tuesday, September 10, 1991. It is further

ORDERED that East Central Florida Services, Inc., shall file immediately upon its receipt of the requested Comprehensive Plan of Orange County a notice of its receipt.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 6th day of SEPTEMBER, 1991.



J. Terry Deason, Commissioner
and Prehearing Officer

(S E A L)

MJF

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

ORDER NO. 25025
DOCKET NO. 910114-WU
PAGE 3

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 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.