

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a Rate) DOCKET NO. 921261-WS
Increase in Lee County by HARBOR) ORDER NO. PSC-94-0910-PCO-WS
UTILITIES COMPANY, INC.) ISSUED: July 25, 1994

ORDER GRANTING STAFF'S MOTION FOR
EXTENSION OF TIME TO PREFILE TESTIMONY

By motion filed July 20, 1994, the Staff of the Florida Public Service Commission requested an extension of time in which to prefile its testimony in this proceeding. Harbor Utilities, Inc., (Harbor or utility) filed its written response to this motion on July 22, 1994, with a request for oral argument. As the pleadings are adequate for the Prehearing Officer to make a decision, oral argument will not be granted.

The Staff's request is based on the need for additional time to prepare the testimony of two individuals. This additional time is needed because the Staff requires the transcript of the recent deposition of the utility owner for the preparation of its witnesses' testimony. The deposition of the utility owner was held on the first date the utility owner was available when the arrangements for deposition were made.

Harbor's response asserts that this request should be denied as unwarranted and prejudicial because the Staff has had several months in which to depose Mr. Ryan and because it will place the utility in the position of very little time to file its rebuttal testimony.

Because the current schedule provides for an extension of time of equal length for Harbor to file its rebuttal testimony, and because Staff deposed Mr. Ryan on the first date for which he was available, it is appropriate to grant Staff's Motion for an Extension of Time. Accordingly, the revised testimony filing dates are:

Staff Testimony - August 2, 1994
Utility Rebuttal Testimony - August 16, 1994

DOCUMENT # 94-0910-DATE

07518 JUL 25 1994

REC'D - PUBLIC REPORTING

ORDER NO. PSC-94-0910-PCO-WS
DOCKET NO. 921261-WS
PAGE 2

The schedule for this proceeding shall, in all other respects, remain as set forth in Order No. PSC-94-0336-PCO-WS.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 25th day of July, 1994.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

MSN/SFS

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 wastewater 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.