

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate ) DOCKET NO. 940847-WS  
increase in Duval County by ) ORDER NO. PSC-95-0814-PCO-WS  
ORTEGA UTILITY COMPANY. ) ISSUED: July 6, 1995  
\_\_\_\_\_)

ORDER GRANTING, IN PART, AND DENYING, IN PART  
ORTEGA UTILITY COMPANY'S MOTION FOR FIVE-DAY EXTENSION  
OF TIME TO PRE-FILE REBUTTAL TESTIMONY AND EXHIBITS

Order No. PSC-95-0432-PCO-WS, issued March 30, 1995, established controlling dates for the above-referenced docket. The date for rebuttal testimony and exhibits was established as July 5, 1995. The hearing is scheduled for July 20 and 21, 1995.

On June 30, 1995, Ortega Utility Company (Ortega) filed a Motion for Five-Day Extension of Time to Prefile Rebuttal Testimony and Exhibits. A five day extension would allow Ortega to file its rebuttal testimony on Monday, July 10, 1995. Ortega's motion requests a filing date of Monday, July 12, 1995. This date is a typographical error, and as such, Ortega's request shall be interpreted as five business days. Therefore, for the purposes of this Order, Ortega requests a date of Wednesday, July 12, 1995, to file its rebuttal testimony.

In its motion, Ortega asserts that although staff timely filed its testimony, its consultant and its principals first received staff's testimony and exhibits on June 27, 1995, thereby not giving them enough time to adequately prepare its rebuttal testimony and exhibits. Further, Ortega asserts that a five day extension until July 12, 1995, would not result in a delay in the proceeding, nor would it prejudice staff.

Although Ortega might not have enough time to adequately prepare its rebuttal testimony and exhibits, its requested extension will prejudice Commission staff. Order No. PSC-0432-PCO-WS, stated that all discovery shall be completed by July 14, 1995. Ortega's motion requests that the date to file rebuttal testimony should be extended until July 12, 1995. The requested date does not allow staff adequate time to conduct discovery related to the rebuttal testimony.

Upon consideration of the foregoing, the Prehearing Officer finds it appropriate to extend the time for filing rebuttal testimony and exhibits, but only to July 7, 1995.

Based on the foregoing, it is

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ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that Ortega Utility Company's motion is granted, to the extent that it requests an extension of time to file rebuttal testimony and exhibits. It is further

ORDERED that Ortega Utility Company's motion is denied, insofar as it requests the date for filing rebuttal testimony and exhibits be extended to July 12, 1995. It is further

ORDERED that all rebuttal testimony and exhibits shall be filed no later than July 7, 1995.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 6th day of July, 1995.



JULIA L. JOHNSON, Commissioner and  
Prehearing Officer

( S E A L )

MSN

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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.