

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate) DOCKET NO. 950387-SU
increase for North Ft. Myers) ORDER NO. PSC-96-0451-PCO-SU
Division in Lee County by) ISSUED: April 1, 1996
Florida Cities Water Company)
Lee County Division.)
_____)

ORDER GRANTING EXTENSION OF TIME
TO FILE REBUTTAL TESTIMONY

AND

ORDER AUTHORIZING CHERYL WALLA
TO ATTEND THE PREHEARING CONFERENCE BY TELEPHONE

On March 20, 1996, Florida Cities Water Company (FCWC) filed its Motion for Extension of Time to File Rebuttal Testimony to Public Counsel's and Staff's Testimony. In its motion, FCWC states that the Public Counsel filed its testimony on March 13, 1996, and that staff would file their testimony on March 22, 1996, and that FCWC's rebuttal testimony was due on April 3, 1996.

However, FCWC states that it has a two-day administrative rate case hearing for its Barefoot Bay Division starting April 1, 1996, and that it would be virtually impossible to commence meaningful preparation of rebuttal testimony. It therefore requests that it be given an extension up to and including April 9, 1996, to file its rebuttal testimony.

Besides staff, only Cheryl Walla and the Office of the Public Counsel (OPC) have filed testimony. OPC and Ms. Walla have been contacted, and Ms. Walla says she does not object to the extension being granted; and the OPC states that it supports Ms. Walla. Staff has no objection either. Based on the above, FCWC shall be given up to and including April 9, 1996, to file its rebuttal testimony.

In Ms. Walla's Prehearing Statement, she states that it would be an economic hardship for her to be forced to attend the Prehearing Conference scheduled to be held in Tallahassee. Therefore, she shall be allowed to attend the Prehearing Conference by telephone and shall make herself available by telephone on that date.

Based on the foregoing, it is, therefore,

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ORDERED by Commissioner Joe A. Garcia, as Prehearing Officer, that Florida Cities Water Company shall be given up to and including April 9, 1996, to file its rebuttal testimony. It is further

ORDERED that Ms. Cheryl Walla shall be allowed to attend the Prehearing Conference by telephone and that she shall make herself available on that date.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 1st day of April, 1996.


JOE GARCIA, Commissioner and
Prehearing Officer *for Com Garcia.*

(S E A L)

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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 25-22.0376, 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.