

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Transfer ) DOCKET NO. 960235-WS  
of Certificates Nos. 404-W and )  
341-S in Orange County from Econ )  
Utilities Corporation to )  
Wedgefield Utilities, Inc. )

In Re: Application for ) DOCKET NO. 960283-WS  
Amendment of Certificate Nos. ) ORDER NO. PSC-97-0070-PCO-WS  
404-W and 341-S in Orange County ) ISSUED: January 22, 1997  
by Wedgefield Utilities, Inc. )

ORDER GRANTING CONTINUANCE  
AND REVISING ORDER ON PROCEDURE

By Order No. PSC-96-1533-PCO-WS, issued December 17, 1996, this matter was set for an April 29, 1997 hearing in Orange County. On December 19, 1996, Wedgefield Utilities, Inc. (Wedgefield or the utility) filed a Request and Motion to Withdraw the CASR and the Order Establishing Procedure.

Wedgefield requests that all requirements and dates in the Order Establishing Procedure and the Case Assignment and Scheduling Record (CASR) be withdrawn and deferred, and any consideration therefore continued, until after a determination of the matters set forth in the pending motions. Wedgefield further requests that if an order is entered denying its motions, it be granted a continuance for at least forty days from the date of issuance of that order. Wedgefield provides several reasons for its requests. First, the utility states that it has filed two motions to dismiss or strike the Office of Public Counsel's (OPC) request for hearing, and a favorable ruling on the motions would obviate the need for hearing. According to the utility, both the filing of the CASR and the prehearing order are premature, and the timing of such raises doubts as to whether the pending motions will be considered and ruled upon. Second, the utility states that the CASR and the order, which require it to file direct testimony and exhibits by January 6, 1997, twenty days after the issuance of the order, allow it insufficient time to prefile testimony.

The utility states that OPC has no objections to its motion to withdraw the CASR and the Order Establishing Procedure. Further, the utility states that it is more appropriate to withdraw the CASR and the order than merely to continue them, although it does not state why.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Wedgfield's filing is styled as a Request and Motion to Withdraw the CASR and the Order Establishing Procedure. However, the CASR is used for internal scheduling purposes only; therefore, a party should not make a request to withdraw a CASR. It would seem, then, that Wedgfield's filing would have been more appropriately styled as a motion for continuance.

At the January 7, 1997 Agenda Conference, this Commission voted to deny Wedgfield's motion to dismiss or strike OPC's request for hearing, and accordingly, this matter will proceed to hearing. After careful review of the utility's request, however, I find it appropriate to continue this matter for a period of at least sixty days from the issuance of this order to allow the utility more time to prefile testimony. Accordingly, Order No. PSC-96-1533-PCO-WS on procedure is revised as follows:

- |  |                   |
|--|-------------------|
| 1) Utility's direct testimony and exhibits       | March 21, 1997    |
| 2) Intervenor's direct testimony                 | April 11, 1997    |
| 3) Staff's direct testimony and exhibits, if any | April 25, 1997    |
| 4) Rebuttal testimony and exhibits               | May 13, 1997      |
| 5) Prehearing Statements                         | May 30, 1997      |
| 6) Prehearing Conference                         | July 28, 1997     |
| 7) Hearing                                       | August 19, 1997   |
| 8) Briefs  | September 2, 1997 |

All other portions of Order No. PSC-96-1533-PCO-WS are affirmed in all other aspects.

Based on the foregoing, it is

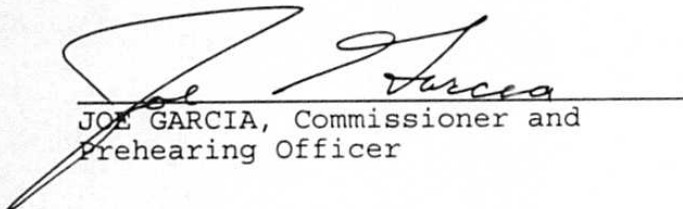
ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Wedgfield Utilities, Inc.'s request for continuance is hereby granted as set forth in the body of this Order. It is further

ORDER NO. PSC-97-0070-PCO-WS  
DOCKETS NOS. 960235-WS, 960283-WS  
PAGE 3

ORDERED that Order No. PSC-96-1533-PCO-WS is revised as set forth herein. It is further

ORDERED that Order No. PSC-96-1533-PCO-WS is affirmed in all other aspects.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 22nd day of January, 1997.



JOE GARCIA, Commissioner and  
Prehearing Officer

( S E A L )

DCW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.