

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase) DOCKET NO. 960329-WS
in rates and service)
availability charges in Lee)
County by Gulf Utility Company)

In Re: Investigation of rates) DOCKET NO. 960234-WS
of Gulf Utility Company in Lee)
County for possible overearnings)

FILED: February 12, 1997

REQUEST TO FILE ADDITIONAL TESTIMONY

The Staff of the Florida Public Service Commission (Staff), pursuant to Rules 25-22.037 and 25-22.048, Florida Administrative Code, by and through its undersigned attorney, hereby requests that the Prehearing Officer permit Staff to file the additional testimony of Deputy Chief Bernard Kleinschmidt in this matter, and in support thereof, states the following:

1. Order No. PSC-96-1178-PCO-WS, issued September 20, 1996, established January 6, 1997, as the deadline for filing testimony sponsored by Staff. Staff filed the testimony of several witnesses in this docket on January 6, 1997, and was granted an extension of time to file the testimony of an additional witness on January 9, 1997.

2. One of the preliminary issues in this docket addresses the utility's fire flow capability. Staff has filed the testimony of Thomas M. Beard of the San Carlos Park Fire Protection and Rescue Service District relating to this issue.

3. Subsequent to the deadlines for filing testimony, staff witness Beard informed staff that Gulf is providing fire flow service to the Estero Fire Control and Rescue District. Up until that time, staff was unaware of this information. Staff witness Beard also informed staff that Deputy Chief Bernard Kleinschmidt of the Estero Fire Control and Rescue District wished to testify in this docket.

4. Staff has prepared the testimony of Deputy Chief Bernard Kleinschmidt regarding the utility's fire flow capability in that district. A copy of Mr. Kleinschmidt's testimony is attached to this motion. Staff believes that the testimony is relevant to this proceeding, and will provide information necessary to fully address the issue.

ACK _____
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APP _____
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5. Gulf requested an extension of time to file its rebuttal testimony, and by Order No. PSC-97-0069-PCO-WS, issued January 22, 1997, was given until February 13, 1997, to do so. In order to permit Gulf time to prepare rebuttal testimony to Mr. Kleinschmidt's testimony, Staff suggests that Gulf be permitted an extension of time to file rebuttal to Mr. Kleinschmidt's testimony.

6. Staff counsel has contacted the parties, who indicate that they have no objection to this motion but request the opportunity to file a response to this motion.

WHEREFORE, the Staff of the Florida Public Service Commission requests that the Prehearing Officer issue an order permitting Staff to file the testimony of Deputy Chief Bernard Kleinschmidt, relating to the Estero Fire Control and Rescue District.

Respectfully submitted, this 13th day
of February, 1997.



MARGARET E. O'SULLIVAN, Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(904) 413-6199

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original certificate of Staff's Motion to File Additional Testimony, has been furnished to Kenneth Gatlin, Esquire, Gatlin, Schiefelbein & Cowdery, P.A., 1709-D Mahan Drive, Tallahassee, Florida 32308, and a copy has been furnished to the following by U.S. Mail this 12th day of February, 1997:

Steve Reilly, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL, 32399-1400



MARGARET E. O'SULLIVAN
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863
(904) 413-6199