

MEMORANDUM

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April 14, 1997

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (O'SULLIVAN) *MS*

RE: DOCKET NO. 960234-WS - Investigation of Rates of Gulf  
Utility Company in Lee County for Possible Overearnings

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

0409-PLD

Attached is an ORDER GRANTING MOTION TO MODIFY PAGE LIMIT OF  
POST-HEARING FILINGS, to be issued in the above-referenced docket.  
(Number of pages in Order - 3)

**MUST GO TODAY**

MEO/dp

Attachment

cc: Division of Water and Wastewater (Willis, Crouch, Fuchs,  
Galloway, Merchant, Rendell, Webb, Xanders)

I: 960329-B.GLF

*forced -  
mailed - 2/10/97*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Investigation of Rates of Gulf ) DOCKET NO. 960234-WS  
Utility Company in Lee County )  
for Possible Overearnings )  
\_\_\_\_\_ )

In Re: Application for increase ) DOCKET NO. 960329-WS  
in rates and service ) ORDER NO. PSC-97-0409-PCO-WS  
availability charges in Lee ) ISSUED: April 14, 1997  
County by Gulf Utility Company. )  
\_\_\_\_\_ )

ORDER GRANTING MOTION TO MODIFY PAGE LIMIT  
OF POST-HEARING FILINGS

On August 23, 1996, Gulf Utility Company (Gulf or the utility) completed the minimum filing requirements for a general rate increase and that date was established as the official filing date for this proceeding. By Order No. PSC-96-1344-PCO-WS, issued November 14, 1996, the Commission acknowledged the notice of intervention filed by the Office of Public Counsel (OPC). The Commission held a hearing in the utility's service area on March 5-6, 1997.

The Order Establishing Procedure, Order No. PSC-96-1178-PCO-WS, issued September 20, 1996, set forth the following limitation upon post-hearing filings:

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown.

Rule 25-22.056(1)(d), Florida Administrative Code, also sets forth the page limitation and waiver. Parties are required to make their post-hearing filings by April 3, 1997.

On March 31, 1997, Gulf filed a motion requesting that the page limit on its post-hearing filing be extended from 60 pages to 85 pages. Gulf indicates that, given the size of the transcript and the number of issues and exhibits, it will require 85 pages in order to properly analyze and argue each of its positions. Gulf also contends that because the Commission allowed OPC latitude in the number of discovery requests (See Order No. PSC-97-0054-PCO-WS, issued January 15, 1997), the utility should be given equal latitude with regard to the page limit. Gulf indicates that OPC does not agree with the utility's request.

DOCUMENT NUMBER-DATE

03769 APR 14 5

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DOCKET NOS. 960234-WS, 960329-WS  
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This Commission has permitted an extension of the page limitation or granted additional time to file briefs, provided that the movant demonstrates sufficient grounds or good cause. These dockets address an overearnings investigation and a proceeding for water, wastewater and reuse rates. Given the number of issues, the fact that the post-hearing filings contain several elements, and in consideration of the parties' positions, good cause has been demonstrated to exceed the 60 page limit. However, instead of the requested 85 pages, I find 75 total pages to be a more reasonable amount. Therefore, Order No. PSC-96-1178-PCO-WS is modified to permit each party to file a total of 75 pages of post-hearing documents. Order No. PSC-96-1178-PCO-WS is reaffirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Gulf Utility Company's motion to exceed the page limit for post-hearing filings is granted to the extent set forth herein, and Order No. PSC-96-1178-PCO-WS is modified to that effect. It is further

ORDERED that Order No. PSC-96-1178-PCO-WS is hereby reaffirmed in all other respects.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 14th day of April, 1997.

  
J. TERRY DEASON, Commissioner and  
Prehearing Officer

( S E A L )

MEO

ORDER NO. PSC-97-0409-PCO-WS  
DOCKET NOS. 960234-WS, 960329-WS  
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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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Department of Public Utilities and Marine

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\_\_\_\_ Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. 1  
\_\_\_\_ Other \_\_\_\_\_

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