

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer  
of Certificates Nos. 404-W and  
341-S in Orange County from Econ  
Utilities Corporation to  
Wedgefield Utilities, Inc.

DOCKET NO. 960235-WS

In re: Application for amendment  
of Certificates Nos. 404-W and  
341-S in Orange County by  
Wedgefield Utilities, Inc.

DOCKET NO. 960283-WS  
ORDER NO. PSC-98-0705-PCO-WS  
ISSUED: May 21, 1998

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

On March 19, 1998, an administrative hearing was held in this matter and was continued to and concluded on March 26, 1998. Upon Wedgefield's motion, Order PSC-98-0564-PCO-WS, issued April 22, 1998, extended the time for filing all post-hearing documents to April 28, 1998 for all parties. On April 28, 1998, Wedgefield Utilities, Inc. (Wedgefield or utility) filed its post-hearing statement of issues and positions, brief, and proposed findings of fact and conclusions of law, which together consisted of 58 pages. In addition, Wedgefield also filed an "Attachment A", consisting of some 37 pages, together with a motion to file post-hearing documents in excess of the page limit permitted by Rule 25-22.056(1)(d), Florida Administrative Code (Motion).

In its motion, the utility requests that the page limit on its post-hearing filing be extended from 60 pages to incorporate the information contained in its Attachment A. Wedgefield indicates that both in Order No. PSC-98-0392-PCO-WS and at the hearing, the utility was advised that the information discussed in its Attachment A could be used in the post-hearing brief. The motion also states that the utility contacted counsel for OPC, who wished to reserve his right to object to the motion. However, no response to the utility's motion was filed, and the time for doing so has expired.

Order No. PSC-97-0952-PHO-WS, issued August 11, 1997, set forth the following limitation upon post-hearing filings:

DOCUMENT NUMBER-DATE

05655 MAY 21 88

FPSO-RECORDS REPORTING

ORDER NO. PSC-98-0705-PCO-WS  
DOCKETS NOS. 960235-WS, 960283-WS  
PAGE 2

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. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.


Rule 25-22.056(1)(d), Florida Administrative Code, also sets forth the page limitation and requirements for waiver of that limitation.

Upon review of the motion, and taking into consideration that OPC has not filed an objection, I find that Wedgefield's request is reasonable. Accordingly, Wedgefield's motion to extend the page limit in its post-hearing filing to include Attachment A is granted.

Based upon the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Wedgefield Utilities, Inc.'s motion to extend the page limit in its post-hearing filing to include Attachment A is granted.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 21st day of May, 1998.

  
\_\_\_\_\_  
JOE GARCIA  
Commissioner and Prehearing Officer

( S E A L )

JSB

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 25-22.038(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.