

ORIGINAL

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OF COUNSEL  
THOMAS F. WOODS

June 30, 1998

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RECORDS AND REPORTING

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

HAND DELIVERY

RE: Docket No. 950387-SU  
Application of Florida Cities Water Company, North Ft. Myers  
Division, for an Increase in Wastewater Rates

Dear Ms. Bayo:

Enclosed for filing are an original and fifteen copies of  
Florida Cities Water Company's Motion For Continuance in the above-  
referenced docket.

Please acknowledge receipt of the foregoing by stamping the  
enclosed extra copy of this letter and returning same to my  
attention.

Very truly yours,

*B. Kenneth Gatlin*

B. Kenneth Gatlin

RECEIVED & FILED  
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BKG/l dv  
Enclosures

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Application for a rate increase )  
for North Ft. Myers Division in Lee )  
County by Florida Cities Water )  
Company - Lee County Division )

Docket No. 950387-SU

Filed: June 30, 1998

MOTION FOR CONTINUANCE

Florida Cities Water Company (FCWC) files this, its Motion for Continuance and states:

1. FCWC is the Petitioner in this docket. The undersigned attorney was advised, on or about June 23 or 24, 1998, by Mr. Ralph Jaeger, PSC Staff Attorney, that FCWC's testimony in this proceeding would be due no later than July 17, 1998. As the Commission knows, there is a proceeding pending before it in Docket No. 971663-WS, (Petition of Florida Cities Water Company for limited proceeding to recover environmental litigation costs for North and South Ft. Myers Divisions in Lee County and Barefoot Bay Division in Brevard County). In Docket No. 971663-WS, FCWC has a deadline of July 10, 1998 for the filing of its rebuttal testimony. With that due date, it is a virtual impossibility to prepare and file in this docket direct testimony by Friday, July 17, 1998.

2. The undersigned attorney was also advised that the hearing in this docket would be set for August 24 and 25, 1998. As the Commission knows, the hearing in Docket No. 971663-WS is set for August 12, 13 and 14, 1998. The briefs in Docket No. 971663-WS are due September 14, 1998. The overlapping schedules of these two proceedings places an undue burden on the personnel of FCWC who have the continuing duty to simultaneously operate the utility.

3. A fair and reasonable schedule would be to set the filing date for FCWC's testimony after the briefs are filed in Docket No. 971663-WS, but no earlier than October 19, 1998. The remaining dates, including the hearing, would of course follow that testimony due date in the normal

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FLORIDA PUBLIC SERVICE COMMISSION REPORTING

and reasonable manner.

4. The First District Court of Appeal rendered its decision on June 17, 1998 denying FCWC's petition for review of the Commission's decision to re-open this proceeding and receive additional evidence and testimony. In view of the fact that jurisdiction in the proceeding has been back with the Commission only since June 17, 1998 and considering that a reasonable amount of time to prepare for hearings is necessary, FCWC's proposed schedule is fair and reasonable. All parties agree that the proposed schedule would meet any remand requirement that the Commission proceeds in a timely manner to complete this proceeding.

5. The undersigned attorney has inquired Mr. Harold McLean, Office of Public Counsel, and has been informed that OPC has no opposition to this motion for continuance as set forth above.

6. The hearing schedule that has been indicated by the PSC Staff Attorney would deny FCWC its rights to adequately prepare and present its position in this case, and would amount to a denial of FCWC's right to due process of law.

Wherefore, Florida Cities Water Company moves that the proceeding in this docket be continued so that its direct testimony is not due to be filed until Monday, October 19, 1998.

Dated this 30<sup>th</sup> day of June, 1998.

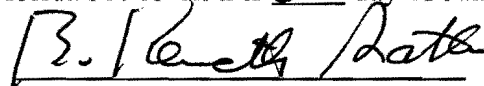
Respectfully submitted,



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(850) 385-9996  
Attorneys for  
FLORIDA CITIES WATER COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Mr. Ralph Jaeger, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and by hand delivery to Harold McLean, Esquire, Office of Public Counsel, 111 W. Madison Street, Room 812, Claude Pepper Building, Tallahassee, Florida 32399-1400; and by regular U.S. Mail to Cheryl Walla, Esquire, 1750 Dockway Drive, North Fort Myers, Florida 33903 on this 30<sup>th</sup> day of June, 1998.



B. Kenneth Gatlin