

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificates to operate a water  
and wastewater utility in  
Charlotte and DeSoto Counties by  
Lake Suzy Utilities, Inc.

DOCKET NO. 970657-WS

In re: Application for amendment  
of Certificates Nos. 570-W and  
496-S to add territory in  
Charlotte County by Florida  
Water Services Corporation.

DOCKET NO. 980261-WS ✓  
ORDER NO. PSC-98-1115-PCO-WS  
ISSUED: August 20, 1998

ORDER REVISING ORDERS ESTABLISHING PROCEDURE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

The scope of this proceeding shall be based upon the issues raised by the parties and Commission staff (staff) up to and during the prehearing conference, unless modified by the Commission. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes, and all administrative rules applicable to this Commission.

On September 11, 1997, Lake Suzy Utilities, Inc. (Lake Suzy or utility) filed an application for original certificates of authorization to provide water and wastewater service pursuant to Section 367.045, Florida Statutes. The Board of County Commissioners of DeSoto County (DeSoto County) and the Board of County Commissioners of Charlotte County (Charlotte County) timely filed objections to Lake Suzy's application on October 22 and 24, 1997, respectively. Accordingly, by Order No. PSC-97-1463-PCO-WS, this matter was scheduled for an administrative hearing. Subsequently, DeSoto and Charlotte Counties withdrew their objections on January 13 and 14, 1998, respectively.

On February 19, 1998, Florida Water Services Corporation (FWSC or utility) filed an application for amendment of Certificates Nos.

DOCUMENT NUMBER-DATE

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REG-REGIONS REPORTING

570-W and 496-S to add territory in Charlotte County. On March 18, 19, and 20, 1998, Charlotte County, Haus Development, Inc., and Lake Suzy timely filed objections to FWSC's application, respectively. Accordingly, by Order No. PSC-98-0874-PCO-WS, this matter was scheduled for an administrative hearing.

Upon consideration of Lake Suzy's application, by Order No. PSC-98-1089-PCO-WS, issued August 11, 1998, the Commission found it appropriate to consolidate Dockets Nos. 970657-WS and 980261-WS and set the matter for hearing on its own motion. Accordingly, the dates established by Orders Nos. PSC-97-1463-PCO-WS and PSC-98-0874-PCO-WS are revised as follows:

- |  |                     |
|--|---------------------|
| 1) Utility's direct testimony and exhibits       | October 5, 1998     |
| 2) Intervenors' direct testimony and exhibits    | October 19, 1998    |
| 3) Staff's direct testimony and exhibits, if any | November 2, 1998    |
| 4) Rebuttal testimony and exhibits               | November 23, 1998   |
| 5) Prehearing Statements                         | December 1, 1998    |
| 6) Prehearing Conference                         | December 14, 1998   |
| 7) Hearing                                       | January 13-14, 1999 |
| 8) Briefs  | February 10, 1999   |

Orders Nos. PSC-97-1463-PCO-WS and PSC-98-0874-PCO-WS are affirmed in all other respects.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Orders Nos. PSC-97-1463-PCO-WS and PSC-98-0874-PCO-WS are hereby revised as set forth in the body of this Order. It is further

ORDER NO. PSC-98-1115-PCO-WS  
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ORDERED that Orders Nos. PSC-97-1463-PCO-WS and PSC-98-0874-PCO-WS are hereby affirmed in all other respects.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 20th day of August, 1998.

  
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SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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.