

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF HEARING

TO

FLORIDA CITIES WATER COMPANY

OFFICE OF PUBLIC COUNSEL

AND

ALL OTHER INTERESTED PERSONS

RE: DOCKET NO. 950387-SU

APPLICATION FOR A RATE INCREASE FOR NORTH FT. MYERS
DIVISION IN LEE COUNTY BY FLORIDA CITIES WATER
COMPANY - LEE COUNTY DIVISION.

ISSUED: November 17, 1998

NOTICE IS HEREBY GIVEN that in accordance with Florida Cities Water Company v. State, 705 So. 2d 620 (Fla. 1st DCA 1998), a hearing on the First District Court of Appeal's remand of the Commission's Order No. PSC-96-1133-FOF-SU will be held before the Florida Public Service Commission, at the following time and place:

10:00 a.m., December 8, 1998
Harborside Convention Center
Room A1
1375 Monroe Street
Ft. Myers, Florida

December 9, 1998, has also been reserved for continuation of the hearing if needed. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

DOCUMENT NUMBER-DATE

12875 NOV 17 88

FPSC-RECORDS/REPORTING

1402

Customers will be given the opportunity to present testimony at the beginning of the morning session on Tuesday, December 8, 1998. Additionally, an evening session will be held beginning at 6:00 p.m. on Tuesday, December 8, 1998, for the purpose of hearing testimony from customers who were unable to attend the prior session.

All customers wishing to testify are urged to be present at the beginning of the sessions, since the sessions may be adjourned early if no customers are present. By providing customer testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code.

PURPOSE AND PROCEDURE

The purpose of this hearing is to take evidence on the question of what flows should be used in the numerator of the used and useful equation when the Department of Environmental Protection permits the wastewater treatment plant based on annual average daily flows. Also, the hearing will take evidence on what additional rate case expense should be allowed for the reopening of the record in this proceeding and what additional non-legal rate case expense the utility should be allowed for the utility's appeal of the Commission's final order in this docket and any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement.

At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties at the prehearing conference held on November 18, 1998. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing, because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

NOTICE OF HEARING
DOCKET NO. 950387-SU
PAGE 3

JURISDICTION

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 367, Florida Statutes. This hearing will be governed by said Chapter as well as Chapter 120, Florida Statutes, and Chapters 25-9, 25-22, 25-30, and 28-106, Florida Administrative Code.

APPLICABLE STATUTES AND RULES

Sections 367.081 and 367.0816, Florida Statutes, and any other relevant sections of Chapter 367, Florida Statutes, are applicable to this proceeding, as well as Chapter 120, Florida Statutes, and Rules 25-9, 25-22, 25-30, and 28-106, Florida Administrative Code.

By DIRECTION of the Florida Public Service Commission, this 17th day of November, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

RRJ