

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 990696-WS  
ORDER NO. PSC-99-1806-PCO-WS  
ISSUED: September 16, 1999

ORDER DENYING MOTION FOR PROTECTIVE ORDER  
AND TO QUASH SUBPOENAS

On June 1, 1999, Nocatee Utility Corporation (NUC or utility) filed an application for original certificates to operate a water and wastewater utility in Duval and St. Johns Counties. On June 30, 1999, Intercoastal Utilities, Inc. (Intercoastal) timely filed a protest to NUC's application for original certificates and requested a formal hearing. Accordingly, this matter has been scheduled for an administrative hearing on May 9 and 10, 2000.

On August 12, 1999, Intercoastal filed a Notice of Taking Deposition Duces Tecum of Mr. Roger M. O'Steen and Mr. Douglas C. Miller. On August 16, 1999, NUC filed a Motion for Protective Order and to Quash Subpoenas for the taking of Messrs. O'Steen's and Miller's depositions. On August 24, 1999, Intercoastal filed a Notice Canceling Depositions of Messrs. O'Steen and Miller.

Because Intercoastal has canceled the depositions, NUC's Motion for Protective Order and to Quash Subpoenas is denied as moot.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Nocatee Utility Corporation's Motion for Protective Order and to Quash Subpoenas is denied as moot.


DOCUMENT NUMBER-DATE

11145 SEP 16 89

FPSC-RECORDS/REPORTING

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By ORDER of Commissioner J. Terry Deason as Prehearing  
Officer, this 16th Day of September, 1999.

  
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J. TERRY DEASON  
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.