

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-99-2428-PCO-WS  
ISSUED: December 13, 1999

ORDER GRANTING JOINT MOTION TO REVISE SCHEDULE  
AND HEARING DATES AND CHANGING  
CONTROLLING DATES

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 and requested a hearing. Accordingly, this matter was set for an administrative hearing.

By Order No. PSC-99-1764-PCO-WS (Order Establishing Procedure), issued September 9, 1999, controlling dates were established in this docket. Pursuant to Order No. PSC-99-1934-PCO-WS, issued September 29, 1999, testimony filing dates were changed. Currently, NUC's direct testimony is due on December 10, 1999, and the prehearing conference and hearing dates are scheduled for April 3, 2000, and May 9 and 10, 2000, respectively.

On November 23, 1999, NUC and Intercoastal filed a Joint Motion to Revise Schedule and Hearing Dates. In support of their motion, the parties state that Intercoastal intends to file an application with the Commission during December 1999 for a multi-county certificate to serve the territory covered by NUC's application. Further, the parties assert that Intercoastal plans to request the consolidation of its application docket with this docket. In light of these anticipated events which will have an affect on this docket, the parties state that it will be beneficial to reschedule the controlling dates in this docket, including the prehearing conference and hearing dates.

Intercoastal's intent to file its own application to service the territory covered by NUC's application along with a motion to consolidate its application docket with this docket has a potential impact on this proceeding that justifies a change in the filing and hearing dates. Thus, NUC and Intercoastal's joint motion is

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reasonable, and it is hereby granted. The Chairman's Office has concurred with the change in the hearing dates. The following revised dates shall govern this case.

- 1) Company's direct testimony and exhibits February 11, 2000
- 2) Intervenor's direct testimony and exhibits March 17, 2000
- 3) Staff's direct testimony and exhibits, if any April 17, 2000
- 4) Rebuttal testimony and exhibits May 12, 2000
- 5) Prehearing statements June 2, 2000
- 6) Prehearing conference July 10, 2000
- 7) Hearing August 9-10, 2000
- 8) Briefs September 6, 2000


Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Nocatee Utility Corporation and Intercoastal Utilities, Inc.'s Joint Motion to Revise Schedule and Hearing Dates is hereby granted as set forth in the body of this Order. It is further

ORDERED that the dates for filing testimony and prehearing statements and the dates for the prehearing conference and hearing are hereby changed as set forth in the body of this Order.

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 13th Day of December, 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 120.59(4), 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.