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MAR 22 2000

Public Service Commission EXECUTIVE DIRECTOR

-M-E-M-O-R-A-N-D-U-M-

DATE: March 22, 2000

TO: Dr. Mary Bane, Deputy Executive Director, Technical Division

FROM: Samantha Cibula, Division of Legal Services S.M.C. [initials]
Cissy Rehwinkel, Division of Water and Wastewater [initials]

RE: Request for a Time Certain to Consider Item # 51, Docket No. 990696-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Docket No. 992040-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Attached is the request of Intercoastal Utilities, Inc. (Intercoastal) for the Commission to set a time certain, preferably at 10:00 a.m., to consider Item No. 51 at the March 28, 2000, agenda conference. Item No. 51 involves staff's recommendation on the motion to dismiss Intercoastal's application filed by St. Johns County, Nocatee Utility Corporation, and DDI in the above-referenced dockets. In support of its request, counsel for Intercoastal states that he is attending a hearing in Docket No. 960545-WS in Pasco County on March 29, 2000, and if he is unable to get to Pasco County as early as possible on Tuesday, his client in Docket No. 960545-WS may be prejudiced. Moreover, he states that if he is forced to send another attorney to cover Item No. 51 at the March 28, 2000, agenda conference, then Intercoastal may be prejudiced. Staff believes that this item should be set for a time certain to allow counsel for Intercoastal the opportunity to participate at the agenda conference on March 28, 2000. Therefore, staff recommends that Intercoastal's request to set Item No. 51 at a time certain, preferably at 10:00 a.m., should be granted.

SMC/lw

Attachment

cc: Division of Records and Reporting

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC I
- WAW _____
- OTH _____

*Recommend approval
HAB*

DOCUMENT NUMBER-DATE
04015 MAR 31 8
FPSC-RECORDS/REPORTING

[Handwritten signature]

LAW OFFICES

ROSE, SUNDSTROM & BENTLEY, LLP

2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

(850) 877-6555

CHRIS H. BENTLEY, P.A.
B. MARSHALL DETMERS
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS, P.A.
STEVEN T. MINGLIN, P.A.
DARIN L. SHUPP
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TRENOR, P.A.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567

TELECOMMER (850) 656-4029

March 21, 2000

ROBERT M. C. ROSE
OF COUNSEL

VIA TELECOPY

Samantha Cibula, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 99-0696-WS and 992040-WS
Intercoastal Utilities, Inc.

Dear Samantha:

I request that Item No. 51 on next Tuesday's Agenda (March 28, 2000) be set for a time certain, preferably at 10:00 a.m. or as soon thereafter as the same may be heard.

I agreed to a continuance of these Motions to Dismiss from when they were originally scheduled to accommodate counsel for the County, and I believe no counsel will object to this matter being heard on time-certain.

The reason for this request is the fact that I have taken on an increasingly burdensome role in a PSC hearing which occurs in Pasco County the next day (Wednesday, March 29, 2000 - Docket No. 960545-WS). Even if the matter is heard at 10:00 a.m., I still must travel to Pasco County and meet with my witnesses and do final preparation before trial. If I am not able to get to Pasco County as early as possible on Tuesday, my client in that case may be prejudiced. If I am forced to send another attorney to cover this matter for Intercoastal, then Intercoastal may be

Samantha Cibula, Esq.
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prejudiced. Hopefully, all of this can be somewhat avoided if we can hear this matter as early in the morning as possible.

Thank you in advance for your attention to this matter. I look forward to your response with regard to the same.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



John L. Wharton, Esq.
For The Firm

JLW/lm

cc. Steve Menton, Esq.
Suzanne Brownless, Esq.
Rick Melson, Esq.
Michael Korn, Esq.

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ROSE, SUNDSTROM & BENTLEY, LLP

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TALLAHASSEE, FLORIDA 32301

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CHRIS H. BENTLEY, P.A.
E. MARSHALL DETMOLDING
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JOHN R. JR. KIRK, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TILMOR, P.A.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567

TELECOPIER (850) 656-4029

ROBERT M. C. ROSE
OF COUNSEL

TELECOPY COVER SHEET

DATE: March 21, 2000 OUR FILE NO.: 26003.13 PAGES: _____

TO: Samantha Cibula TELECOPY NUMBER: 413-6213

FROM: John L. Wharton, Esq. CONTACT PERSON: Leah

SUBJECT: Intercoastal Utilities, Inc.

MESSAGE: _____

Please notify us immediately if not received properly:
(850) 877-6555

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