

ORIGINAL

M E M O R A N D U M

June 26, 2000

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CIBULA) *SMC*

RE: 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 CERTIFICATES TO OPERATE A WATER AND WASTEWATER UTILITY IN DUVAL AND ST. JOHNS COUNTIES BY INTERCOASTAL UTILITIES, INC.

Attached is STAFF'S MOTION TO FILE SUPPLEMENTAL TESTIMONY FOR CHARLES R. GAUTHIER, to be filed in the above-referenced docket.

(Number of pages in motion - 6)

SMC/lw

Attachment

cc: Division of Regulatory Oversight (Messer, Rehwinkel, Redemann)

I:990696MO.SMC

APP _____
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DOCUMENT NUMBER-DATE

07750 JUN 26 8

FPSC-RECORDS/REPORTING

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

In re: Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

DOCKET NO. 992040-WS
FILED: JUNE 26, 2000

STAFF'S MOTION TO FILE SUPPLEMENTAL TESTIMONY
FOR CHARLES R. GAUTHIER

The Staff of the Florida Public Service Commission (Staff), pursuant to Rule 28-106.204, Florida Administrative Code, by and through its undersigned attorney, hereby requests to file supplemental testimony for Charles R. Gauthier and in support thereof states as follows:

1. On May 1, 2000, Staff prefiled testimony and exhibits for Charles R. Gauthier.

2. Mr. Gauthier is offering testimony in regard to the applications filed by Nocatee Utility Corporation (NUC) and Intercoastal Utilities, Inc. (Intercoastal) for original certificates to provide water and wastewater service in St. Johns and Duval Counties, with respect to issues of concern for the Department of Community Affairs (DCA).

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FPSC-RECORDS/REPORTING

3. Since the time that his testimony was prefiled on May 1, 2000, there have been some new developments in regard to St. Johns and Duval Counties submitting proposed amendments to their comprehensive plans with the DCA.

4. As the DCA received these proposed comprehensive plan amendments from St. Johns County on June 1, 2000, and from Duval County on June 14, 2000, the information was not available at the time Mr. Gauthier prefiled his testimony on May 1, 2000.

5. Staff counsel has contacted counsel for NUC, Intercoastal, JEA, St. Johns County (County), and Sawgrass Association, Inc. (Sawgrass), and they have stated that they are not opposed to the filing of this supplemental testimony for Charles R. Gauthier.

6. Staff suggests that if this motion is granted, the parties be allowed two weeks from the date of the filing of the supplemental testimony to file rebuttal testimony to the supplemental testimony.

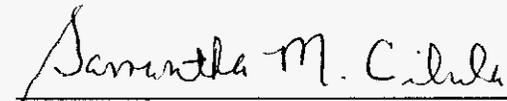
7. The filing of Staff's supplemental testimony will not prejudice any party in this docket and will not affect the prehearing or hearing dates.

8. The supplemental testimony which staff proposes to file for Mr. Charles R. Gauthier is attached to this motion.

STAFF'S MOTION TO FILE SUPPLEMENTAL TESTIMONY
FOR CHARLES R. GAUTHIER
DOCKETS NOS. 990696-WS, 992040-WS
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WHEREFORE, Staff requests that it be allowed to file the attached supplemental testimony for Charles R. Gauthier and that parties be given two weeks from the date of the filing of the supplemental testimony to file rebuttal testimony to the supplemental testimony.

Respectfully submitted on this 26th day of June, 2000.



Samantha M. Cibula, Senior Attorney

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
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1 SUPPLEMENTAL TESTIMONY OF CHARLES R. GAUTHIER

2 Q. Did you previously state that the Nocatee development, as currently
3 proposed, is inconsistent with the existing comprehensive plans of St. Johns
4 and Duval Counties?

5 A. Yes, that is correct. However, the development could be consistent if
6 the comprehensive plans for Duval and St. Johns Counties are amended.

7 Q. Has there been any activity by Duval County and/or St. Johns County to
8 amend their comprehensive plans related to the Nocatee development?

9 A. Yes. The Department of Community Affairs (DCA) received for review a
10 proposed amendment to the St. Johns County plan on June 1, 2000. The DCA will
11 issue an Objections, Recommendations and Comments Report to St. Johns County
12 by August 10, 2000. Also, Duval County recently sent its request for an
13 amendment to its comprehensive plan. That amendment was received on June 14,
14 2000, and the DCA will issue an Objections, Recommendations and Comments
15 Report to Duval County by August 20, 2000.

16 Q. When would the comprehensive plan amendments be adopted and go into
17 effect?

18 A. It is not possible to predict when adoption will occur since it will
19 depend in part on how quickly the Development of Regional Impact (DRI) review
20 proceeds. The DRI application is currently insufficient. Once it is declared
21 sufficient it will be possible to generally forecast an adoption date for the
22 comprehensive plan amendments and development orders. The comprehensive plan
23 amendments would go into effect about two months after adoption, presuming
24 that the DCA finds them in compliance and there are no challenges from
25 affected persons. If there is a finding of not in compliance and/or if there

1 | is a third party challenge, then the effectiveness of the comprehensive plan
2 | amendments would be delayed until the issues are resolved.

3 | Q. What does this mean?

4 | A. This means that the DRI analysis and the comprehensive plan amendments,
5 | which are the two review processes which must be completed for the final
6 | approval of the Nocatee development, have both been initiated and are
7 | proceeding as prescribed by Chapters 380 and 163, Florida Statutes.

8 | Q. Does this conclude your testimony?

9 | A. Yes.

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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

In re: Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

DOCKET NO. 992040-WS
FILED:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Motion to File Supplemental Testimony and the Supplemental Testimony of Charles R. Gauthier has been furnished to the following by U.S. Mail, this 26th day of June, 2000:

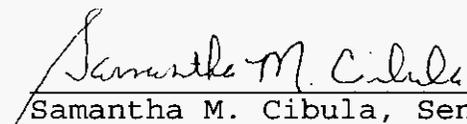
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