

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
ORDER NO. PSC-00-1202-PCO-WS
ISSUED: July 3, 2000

ORDER GRANTING MOTION TO FILE SUPPLEMENTAL TESTIMONY
FOR CHARLES R. GAUTHIER

On June 1, 1999, Nocatee Utility Corporation (NUC) filed an application for original certificates to provide water and wastewater service to a development located in Duval and St. Johns Counties known as Nocatee. Docket No. 990696-WS was assigned to that application. On June 30, 1999, Intercoastal Utilities, Inc. (Intercoastal or utility) timely filed a protest to NUC's application and requested a formal hearing.

On December 30, 1999, Intercoastal filed an application requesting an amendment of certificates to provide water and wastewater service in the Nocatee development; to extend its service territory in St. Johns County; and for an original certificate for its existing service area. Docket No. 992040-WS was assigned to that application. NUC, Sawgrass Association, Inc. (Sawgrass), and JEA (formerly known as Jacksonville Electric Authority) timely filed objections to Intercoastal's application and requested a formal hearing. St. Johns County (County) was granted intervention by Order No. PSC-00-0336-PCO-WS, issued February 17, 2000.

By Order No. PSC-00-0210-PCO-WS, issued February 2, 2000, Dockets Nos. 990696-WS and 992040-WS were consolidated. The prehearing conference and hearing dates are scheduled for July 12, 2000, and August 16 and 17, 2000, respectively.

On May 1, 2000, the Staff of the Florida Public Service Commission (staff) prefiled testimony for Charles R. Gauthier which

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addressed the applications filed by NUC and Intercoastal with respect to issues of concern for the Department of Community Affairs (DCA). On June 26, 2000, staff filed its Motion to File Supplemental Testimony for Charles R. Gauthier. In support of its motion, staff states that "since the time that Mr. Gauthier's testimony was prefiled on May 1, 2000, there have been some new developments in regard to St. Johns and Duval Counties submitting their proposed amendments to their comprehensive plans with the DCA." Moreover, staff states that the information was not available at the time Mr. Gauthier prefiled his testimony on May 1, 2000, because the DCA received the proposed comprehensive plan amendments from St. Johns County on June 1, 2000, and from Duval County on June 14, 2000. Staff also states that its counsel has contacted counsel for NUC, Intercoastal, JEA, Sawgrass, and the County, and they have stated that they are not opposed to the filing of the supplemental testimony. Further, staff states that the filing of the testimony will not affect the prehearing and hearing dates. Staff suggests that the parties be allowed two weeks from the date of the filing of the supplemental testimony to file rebuttal to the supplemental testimony if its motion is granted.

Because Mr. Gauthier's supplemental testimony contains new information that was not available when his testimony was prefiled on May 1, 2000, and the filing of the supplemental testimony will not affect the prehearing and hearing dates, staff's motion is reasonable and it is hereby granted. Staff shall file the supplemental testimony on July 5, 2000. Parties shall have two weeks from the filing of the supplemental testimony, which is July 19, 2000, to file rebuttal testimony to the supplemental testimony.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Staff's Motion to File Supplemental Testimony for Charles R. Gauthier is hereby granted. It is further

ORDERED that staff shall file the supplemental testimony on July 5, 2000. It is further

ORDERED that parties shall have two weeks from the filing of the supplemental testimony, which is July 19, 2000, to file rebuttal testimony to the supplemental testimony.

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 3rd day of July, 2000.



J. PERRY 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

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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.