

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-00-1911-PCO-WS  
ISSUED: October 19, 2000

ORDER CONFIRMING INTERVENOR STATUS OF  
ST. JOHNS COUNTY

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, IU, 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 and its parent company, DDI, Inc. (DDI), Sawgrass Association, Inc. (Sawgrass), and JEA (formerly known as Jacksonville Electric Authority) timely filed objections to Intercoastal's application and requested a formal hearing. By Order No. PSC-00-0210-PCO-WS, issued February 2, 2000, Dockets Nos. 990696-WS and 992040-WS were consolidated. St. Johns County (County) was granted intervention by Order No. PSC-00-0336-PCO-WS, issued February 17, 2000.

On July 21 and 26, 2000, respectively, Intercoastal filed a Motion for Continuance and Supplemental Motion for Continuance. On July 26, 2000, the County filed its Motion for Continuance. By Order No. PSC-00-1462-PCO-WS, issued August 11, 2000, the motions for continuance were granted. This matter is currently set for hearing On April 4 through 6, 2001.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On September 13, 2000, the County filed a Request for Acknowledgment of Intervenor Status or, in the Alternative, Petition for Intervention. In its filing, the County states that it learned in NUC's response to the County's Motion for Continuance that NUC does not consider the County a party to Docket No. 990696-WS, the NUC application docket, but only a party to Docket No. 992040-WS, the Intercoastal application docket. The County further asserts that although it initially filed a Petition for Intervention in Docket No. 992040-WS, it is a party to both dockets because when its intervention petition was granted, Dockets Nos. 990696-WS and 992040-WS were already consolidated. Further, the County states that the dockets were consolidated for all purposes, not just for hearing. Thus, the County requests that the Commission acknowledge its intervenor status in Docket No. 990696-WS, as well as Docket No. 992040-WS.

On October 2, 2000, NUC filed its response, in which it states that "the County correctly observes that intervention was granted after Intercoastal's application docket had been consolidated with NUC's application docket." NUC also states that because the order granting the County intervention did not specifically limit the County's participation to Intercoastal's application, "it appears that the County has already been granted intervenor status in the consolidated dockets." Further, NUC states that NUC does not waive its right to require the County to take the case as it finds it pursuant to Rule 25-22.039, Florida Administrative Code. Thus, NUC states that it is not opposed to the County's request for acknowledgment of intervenor status in Dockets Nos. 990696-WS and 992040-WS as long as the Commission reaffirms that the County took the case as it found it when granted intervention.


Since NUC's response removes any controversy over the intervenor status of the County, there is no need to rule on the County's Request for Acknowledgment of Intervenor Status, or in the Alternative, Petition for Intervention. However, I will confirm that Order No. PSC-00-0336-PCO-WS granted the County intervenor status in the consolidated dockets and stated that the County took the case as it found it when intervention was granted on February 17, 2000.

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that St. Johns County's intervenor status is hereby confirmed..

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By ORDER of Chairman J. Terry Deason, as Prehearing Officer,  
this 19th day of October, 2000.

  
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J. TERRY DEASON  
Chairman and Prehearing Officer

( S E A L )

SMC

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,

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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.