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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application by Nocatee Utility Corporation for Original Certificates for Water & Wastewater Service in Duval and St. Johns Counties, Florida

Docket No. 990696-WS

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

Docket No. 992040-WS

EMERGENCY MOTION TO EXTEND SUPPLEMENTAL INTERVENOR'S TESTIMONY FILING DATE¹

Intercoastal Utilities, Inc. ("Intercoastal"), by and through undersigned counsel, and after consultation with counsel for each of the other parties in this case, hereby files this Emergency Motion To Extend Supplemental Intervenor's Testimony Filing Date and would state and allege as follows:

1. On December 5, 2000, the Prehearing Officer issued his Order granting NUC's Motion for Leave to File Supplemental Direct Testimony in this proceeding. By subsequent Order, the responsive date for any Intervenor's testimony in this case was set for January 19, 2001.

2. Intercoastal intends to file Intervenor's testimony which is responsive to NUC's Supplemental Direct Testimony. Other parties may intend to file Intervenor's testimony on the due date, also. On behalf of Intercoastal, that testimony will be primarily

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¹ While the undersigned may have confused the issue by referring to this testimony as "rebuttal" in a prior pleading, in fact, it is testimony responsive to the direct testimony of an applicant and therefore is in actuality "Supplemental Intervenor's Testimony" as opposed to "rebuttal" testimony.

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rendered by Mr. M.L. Forrester. Mr. Forrester is currently in the hospital. Mr. Forrester is suffering complications from surgery which may keep him in the hospital until after the filing date for such Intervenor's testimony.

3. Within an hour of finding out of Mr. Forrester's unavailability, the undersigned sent a memorandum to all parties in this case. The undersigned then happened to meet counsel for NUC and counsel for JEA at today's Agenda Conference, and both agreed they did not oppose this motion. Counsel for the County also does not oppose the Motion. Counsel for Sawgrass has not yet contacted the undersigned, and it is hoped he will make his position immediately known to the Commission on this Emergency Motion.

4. The Prehearing Conference in this case is not until the last week of March, 2001. Neither any party, the Commission nor its Staff will be prejudiced by an extension of the filing date for Supplemental Intervenor's Testimony until and including January 26, 2001.

WHEREFORE, and in consideration of the above, Intercoastal respectfully requests the filing date for Supplemental Intervenor's Testimony (and this request would apply to the filing of such testimony on behalf of any appropriate party be extended one week until January 26, 2001.

DATED this 16th day of January, 2000.


JOHN L. WHARTON, ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by facsimile and U.S. Mail to the following this 16th day of January, 2000.


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