

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to operate a 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-01-0148-PCO-WS  
ISSUED: January 19, 2001

ORDER GRANTING EMERGENCY MOTION TO  
EXTEND SUPPLEMENTAL INTERVENOR'S TESTIMONY FILING DATE

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) 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 31, 2000, NUC filed a Motion for Leave to File Supplemental Direct Testimony. By Order No. PSC-00-2320-PCO-WS, issued December 5, 2000, NUC's motion was granted, and the parties

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were given until January 2, 2001, to file supplemental intervenor testimony. On December 7, 2000, Intercoastal filed a motion to extend the supplemental intervenor testimony filing date to January 19, 2001, which was granted by Order No. PSC-00-2431-PCO-WS, issued December 19, 2000. The prehearing conference and hearing dates are scheduled on March 28, 2001, and April 4 through 6, 2001, respectively.

On January 17, 2001, Intercoastal filed its Emergency Motion to Extend Supplemental Intervenor's Testimony Filing Date. Intercoastal requests that the date for filing supplemental intervenor testimony be changed from January 19, 2001, to January 26, 2001, because the primary witness who will sponsor testimony for the utility is currently in the hospital suffering from complications from surgery. Intercoastal states that the witness may be in the hospital until after the current testimony filing date. Intercoastal further states that none of the parties will be prejudiced by the extension of the filing date.

Intercoastal states that it has contacted counsel for each party and that NUC, JEA, and the County are not opposed to the extension of the filing date. Subsequent to the filing of the motion, staff counsel received confirmation from Sawgrass that it is not opposed to the extension of the filing date.

The motion does not require a change in the prehearing and hearing dates, and it is reasonable. Accordingly, Intercoastal's motion is hereby granted. The date for filing supplemental intervenor testimony is hereby changed from January 19, 2001, to January 26, 2001.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Intercoastal Utilities, Inc.'s Emergency Motion to

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Extend Supplemental Intervenor's Testimony Filing Date is hereby granted. It is further

ORDERED that the date for filing supplemental intervenor testimony is hereby changed from January 19, 2001, to January 26, 2001.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 19th day of January, 2001.

  
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J. TERRY 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.

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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 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.