

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
ratemaking considerations of
gain on sale from sale of
facilities of Florida Water
Services Corporation to Orange
County.

DOCKET NO. 980744-WS
ORDER NO. PSC-01-0379-PCO-WS
ISSUED: February 14, 2001

ORDER GRANTING FLORIDA WATER SERVICE CORPORATION'S
MOTION FOR LEAVE TO FILE AMENDED PREFILED DIRECT TESTIMONY

By Order No. PSC-00-1170-PCO-WS, issued June 27, 2000, a procedural schedule was established setting forth the controlling dates for this docket. By Order No. PSC-00-1602-PCO-WS, issued September 7, 2000, Florida Water Services Corporation's (FWSC or utility) motion for extension of time was granted, and new filing dates were established for the filing of prefiled testimony and exhibits and prehearing statements. The Commission's calendar required subsequent revisions to accommodate other scheduling requirements; accordingly, the controlling dates for this docket were revised by Order No. PSC-00-1752-PCO-WS, issued September 26, 2000. By Order No. PSC-00-2141-PCO-WS, issued November 9, 2000, FWSC's motion for an extension of time for filing prefiled testimony and exhibits was granted. FWSC's testimony was timely filed on November 20, 2000. By Order No. PSC-00-2379-PCO-WS, issued December 11, 2000, FWSC's motion for continuance and rescheduling of controlling dates was granted, and the controlling, prehearing and hearing dates were suspended in this matter. By Order No. PSC-01-0230-PCO-WS, issued January 24, 2001, new controlling dates were established for testimony and exhibits, prehearing statements, prehearing, hearing, and briefs.

On December 13, 2000, FWSC filed a Motion for Leave to File Amended Prefiled Direct Testimony of its witnesses, Mr. Hugh Gower and Mr. Charles H. Hughes. In its Motion, FWSC requests that a minor correction be made to certain dollar figures referenced in each witness' testimony. FWSC states that the correction could be made prior to any further discovery, submission of testimony and the final hearing in this matter. FWSC further alleges that no party will be prejudiced by the requested clarifications, and that counsel for FWSC has conferred with the Office of Public Counsel

DOCUMENT NUMBER-DATE

02082 FEB 14 01

FPSC-RECORDS/REPORTING

ORDER NO. PSC-01-0379-PCO-WS
DOCKET NO. 980744-WS
PAGE 2

(OPC) and is authorized to represent that OPC does not object to FWSC's Motion.

Commission staff has no objection to the granting of FWSC's Motion, nor will granting the Motion require that other procedural dates be modified. Pursuant to Order No. PSC-01-0230-PCO-WS, OPC's and staff's prefiled direct testimony and exhibits are not due to be filed until April 2 and May 7, 2001, respectively. Because the parties have no objection and no party will be prejudiced, I find it reasonable to grant the Motion. Based upon the foregoing, I hereby grant FWSC's Motion for Leave to File Amended Prefiled Direct Testimony of witnesses Gower and Hughes.

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 Michael A. Palecki, as Prehearing Officer, that Florida Water Services Corporation's Motion for Leave to File Amended Prefiled Direct Testimony is granted.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 14th day of February, 2001.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

JSB

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 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.