

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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

RECORDS AND  
REPORTING

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

Docket No. 992040-WS

**INTERCOASTAL'S REPLY TO NUC'S RESPONSE IN OPPOSITION TO  
INTERCOASTAL'S MOTION REGARDING ADDITIONAL TESTIMONY**

INTERCOASTAL UTILITIES, INC. ("Intercoastal"), by and through undersigned counsel,  
hereby files this Reply to NUC's Response in Opposition to Intercoastal's Motion Regarding  
Additional Testimony and in support thereof would state and allege as follows:

1. All of the testimony filed by Intercoastal earlier this week is proper rebuttal  
testimony. The simple fact is that the Applications of Intercoastal and Nocatee Utility Corporation  
("NUC") are mutually exclusive. If the Commission grants NUC's Application, then it will have  
no jurisdiction to grant even a portion of Intercoastal's Application. While, admittedly, everything

Intercoastal does in the consolidated case in which NUC is an applicant furthers Intercoastal's cause

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG 1
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC 1
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

in the consolidated case in which Intercoastal is an applicant, the fact is that Intercoastal's most  
recent testimony does not merely further its direct case or otherwise address or alter Intercoastal's  
Application. It is important for the Commission to understand that the testimony of Mr. Burton, and  
the supporting testimony of Mr. James and Mr. Bowen, are not addressing some minimum filing  
requirement which is a part of Intercoastal's Application. Intercoastal's projection of rates, not

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required by any Administrative Code Rule or Commission practice or policy for the type of Application Intercoastal has filed, are part of the case which Intercoastal has tendered specifically in response to the testimony of NUC.

2. NUC makes no real objection to the tendering of the testimony on substantive grounds. The testimony is consistent with Intercoastal's prior testimony and the evidence which was elicited in the deposition in discovery in this action. Intercoastal has already taken steps to comply with the relief requested by NUC should the Prehearing Officer determine that the same is appropriate.

WHEREFORE, and in consideration of the above, Intercoastal urges the Commission to grant Intercoastal's Motion as expeditiously as possible.

DATED this 22<sup>nd</sup> day of April, 2001.

  
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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 22<sup>nd</sup> day of April, 2001.

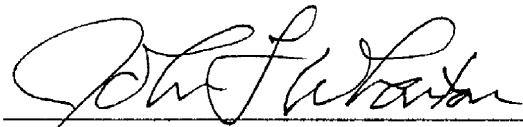
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