

SUZANNE BROWNLESS, P. A.
ATTORNEY AT LAW
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

ORIGINAL

TELEPHONE (850) 877-5200
TELECOPIER (850) 878-0090

ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAW

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April 30, 2001

VIA HAND DELIVERY

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Dockets Nos. 990696-WS and 992040-WS
Application for certificates filed by Nocatee Utility
Corporation and Intercoastal Utilities, Inc.

Dear Ms. Bayo:

Attached please find the originals and fifteen copies each of
the following to be filed in the above dockets:

St. Johns County, Florida's Motion to Accept Prefiled
Testimony as Supplemental Intervenor Testimony or, in the
Alternative, Motion to Allow Intervenor Direct Testimony; 05323-01

Supplemental Testimony of Donald E. Maurer; and 05324-01

Second Supplemental Intervenor Testimony of William G. Young. 05325-01

Thank you for your attention to this matter. Should you have
any questions or need any additional information, please contact
me.

Very truly yours,

Suzanne Brownless
Attorney for St. Johns County

- APP _____
- CAF _____
- CMP _____
- COM Sty _____
- CTR _____
- ECR _____
- LES I _____
- OPC _____
- PAI _____
- RGO _____
- SEC I _____
- SER _____
- OTH _____

c: 3383
cc: Bill Young
Brian Armstrong, Esq.

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FPSC BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application by Nocatee Utility)
Corporation for original certificates) DOCKET NO. 990696-WS
for water and wastewater service in)
Duval and St. Johns Counties, Florida.)
)

IN RE: Application for certificates)
to operate a water and wastewater) DOCKET NO. 992040-WS
utility in Duval and St. Johns County)
by Intercoastal Utilities, Inc.)
)

ST. JOHNS COUNTY, FLORIDA'S MOTION TO ACCEPT
PREFILED TESTIMONY AS SUPPLEMENTAL INTERVENOR
TESTIMONY OR, IN THE ALTERNATIVE, MOTION TO
ALLOW INTERVENOR DIRECT TESTIMONY

St. Johns County, Florida (County) by and through undersigned counsel, files this Motion to Accept Prefiled Testimony as Supplemental Intervenor Testimony or, in the Alternative, Motion to Allow Intervenor Direct Testimony and in support thereof states as follows:

1. On January 26, 2001, the County filed the testimony of William G. Young. Mr. Young addressed the fact that although this docket ostensibly concerns the application of Nocatee Utility Corporation (NUC) for an original water and wastewater certificate, for numerous reasons JEA, not NUC, was the real party in interest in this docket. (Supplemental Testimony at 13-15)

2. Subsequent to the filing of that testimony, the Board of County Commissioners of St. Johns County (Board) has enacted Resolution 2001-82 which classifies the Nocatee development area in St. Johns County as Exclusive Service Area (ESA) pursuant to County Ordinance 99-36, the St. Johns County Water and Wastewater Service Area Ordinance. Classification of the Nocatee development as an

DOCUMENT NUMBER DATE

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REGISTRATION REPORTING

ESA obligates the County to provide water and wastewater services to the Nocatee development in a timely fashion. Simultaneous with the adoption of the resolution, the Board also adopted a plan of service for water, wastewater and reuse.

3. Mr. Young's testimony and that of Donald E. Maurer, P.E., put before the Commission Resolution 2001-82 and a plan of service incorporated in, and adopted with, that resolution. Mr. Young's testimony also places before the Commission additional evidence that it is not only the County's but the general public's perception that JEA will be the real provider of retail water and wastewater services in both the Duval and St. Johns County portions of the Nocatee development.

4. The County is fully aware that this Commission has procedural rules which govern the filing of testimony. Clearly, the time to file direct and supplemental intervenor testimony is long past. However, the County is also aware that the purpose of prefiled testimony is to expedite the presentation of technical information and more efficiently and productively use hearing time. In short, the Commission favors prefiled testimony because it allows all parties adequate time to study detailed exhibits and prepare meaningful cross examination questions concerning those exhibits.

5. There is no question that the County's plan of service and the County's official resolution adopting that plan of service are relevant in this docket. It would be a perversion of the Commission's intent and a violation of the Commission's statutory

responsibilities to allow its procedural rules to be used to block information highly relevant to the issues in this docket simply because that information was not in existence at the time set for filing testimony.

6. Allowing this testimony in this record will present all of the relevant facts to the Commission and will not harm any party to this case. At Mr. Young's six hour deposition on April 19, 2001 all parties were provided with a copy of the Nocatee development resolution staff recommendation and attached plan of service. NUC, JEA, ICU and the Sawgrass Association attorneys asked extensive questions about the staff recommendation and the plan of service for the Nocatee development. Mr. Young's deposition will continue on April 30th. All parties will again have an opportunity to conduct discovery on both the County's Nocatee plan of service and the resolution.

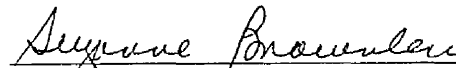
7. With regard to Mr. Maurer, the County will make every effort to make him available for deposition prior to the hearing as currently scheduled.

8. The testimony of Mr. Young with regard to JEA is supplemental to that previously filed. The testimony of Mr. Young and Mr. Maurer is highly relevant to the issue of need for service in the St. Johns County portion of the Nocatee development, the threshold issue in this and any other original certificate case.

WHEREFORE, St. Johns County, Florida requests that this Commission allow the testimony of Mr. Young and Mr. Maurer to be filed in this docket and inserted into the record at hearing as

though read subject to cross examination.

Respectfully submitted this 30th day of April, 2001 by:



Suzanne Brownless, Esq.
Suzanne Brownless, P.A.
1311-B Paul Russell Road
Suite 201
Tallahassee, Florida 32301
Phone: (850) 877-5200
FAX: (850) 878-0090

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Hand Delivery (*) or regular U.S. Mail and facsimile to the following on this 30 th day of April, 2001:

Richard D. Melson, Esq.
Hopping Law Firm
P.O. Box 6526
Tallahassee, Florida 32314-6526

(*) Samantha Cibula, Esq.
Division of Legal Services
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

J. Stephen Menton, Esq.
Kenneth A. Hoffman, Esq.
Rutledge Law Firm
P.O. Box 551
Tallahassee, Florida 32302

Michael J. Korn, Esq.
Korn & Zehmer, P.A.
Suite 200, Southpoint Bldg.
6620 Southpoint Drive South
Jacksonville, FL 32216

John L. Wharton, Esq.
Rose Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

Michael B. Wedner, Esq.
Asst. General Counsel
JEA
St. James Building, Suite 480
117 West Duval Street
Jacksonville, FL 32202


Suzanne Brownless, Esq.

c: 3381