

ORIGINAL

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

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INTERCOASTAL'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE TESTIMONY

INTERCOASTAL UTILITIES, INC. ("Intercoastal"), by and through undersigned counsel, hereby files this Motion for Extension of Time to File Responsive Testimony and in support thereof would state and allege as follows:

- 1. On May 1, 2001, the Prehearing Officer granted St. Johns County's request to submit substantial additional evidence into the record. That evidence came in the form of testimony and sponsored exhibits by the County Utility Director and by an engineer who represents the County.
2. The Prehearing Officer set the date for responsive testimony as the end of the business day on May 3, 2001.
3. The allowance of this testimony irretrievably prejudices Intercoastal. The

APP requirement that any responsive prefled testimony be filed by the end of business on May 3, 2001,
CAF
CMP
COM 5 denies Intercoastal the opportunity to at least negate a portion of that prejudicial effect. What is
CTR
ECR
LEG essentially a forty-eight (48) hour turnaround for responsive testimony to the County's brand new
OPC
PAI direct case (filed at the eleventh hour and fifty-ninth minute in this litigation) not only denies
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SEC
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Intercoastal the opportunity to do any meaningful discovery on the testimony, and not only denies Intercoastal the opportunity to file responsive testimony which is reasoned and considered, but also sets a time frame which is impossible for Intercoastal to meet because Intercoastal's engineer is currently in Germany and its utility operations expert is currently ill with pneumonia, and has not been in his office all week.

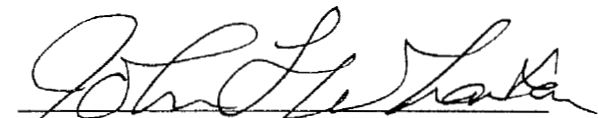
4. The County will not be prejudiced if Intercoastal is allowed to provide any responsive testimony (if any) by live testimony after the County's evidence has been placed into the record. To the extent the County is prejudiced by this procedure (which is standard in 99% of administrative, state, and federal litigations) then the County's prejudice will be of its own making.

5. It is not possible for Intercoastal to comply with the Prehearing Officer's directive for responsive testimony. Accordingly, Intercoastal requests this extension of time to present the responsive evidence, by live testimony, as requested hereinabove.

6. Intercoastal is prepared to present oral argument in support of this Motion at the commencement of the proceeding.

WHEREFORE, and in consideration of the above, Intercoastal respectfully requests the Prehearing Officer, or the Commission Panel, grant this Motion and allow the presentation of live testimony in response to the County's late filed direct testimony.

DATED this 2nd day of May, 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 2nd day of May, 2001.


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