

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

Filed: July 12, 2001

**FLORIDA WATER SERVICES CORPORATION'S AGREED
MOTION FOR LEAVE TO FILE AMENDED PREHEARING
STATEMENTS AND MOTION FOR CONTINUANCE**

Florida Water Services Corporation ("Florida Water") by and through its undersigned counsel, and pursuant to Rules 28-106.204(1) and 28-106.210, Florida Administrative Code, hereby requests the Prehearing Officer for leave to file amended prehearing statements and to grant a continuance and rescheduling of the final hearing to a date within 60 days following the current final hearing dates of August 9-10, 2001. In support of these motions, Florida Water states as follows:

1. Pursuant to Order No. PSC-01-0230-PCO-WS issued January 24, 2001, prehearing statements are due to be filed today, July 9, 2001. Pursuant to the same Order, the prehearing conference is scheduled for July 23, 2001 with the final hearing scheduled for August 9-10, 2001.
2. In May, 2000, a pre-prehearing conference was held in this docket. A draft preliminary list of issues was provided by Staff to counsel for Florida Water and counsel for the Office of Public Counsel ("OPC"). Staff's draft preliminary list of issues focused on issues concerning the sale of Florida Water's Orange County Systems to Orange County and the sale of Florida Water's Volusia County Laboratory Facilities.
3. A final list of issues was never formulated and attached to an Order Establishing Procedure in this docket. Nonetheless, prefiled testimony has been filed in this docket focusing on the primary issue of whether Florida Water's customers should share in the gain on the sale of Florida Water's Orange County systems. Florida Water also filed testimony addressing the sale of

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the laboratory facilities; however, no testimony was filed by OPC or the Staff addressing this issue and the parties and Staff have agreed to drop the preliminary issues concerning the sale of the laboratory facilities from this proceeding.

4. In an abundance of caution and to ensure compliance with Order No. PSC-01-0230-PCO-WS, both Florida Water and OPC timely filed prehearing statements addressing certain issues outlined in Staff's initial draft list of issues as well as new issues. On July 11, 2001, a second prehearing conference was held and efforts were made by Staff and the parties to finalize the issues to be resolved in this proceeding. Staff is expected to provide a revised list of issues and OPC indicated it may propose additional issues for resolution in this proceeding.

5. In addition, the final hearing in this proceeding was scheduled based on the assumption that issues concerning the sale of Florida Water's Orange County Systems and the sale of the laboratory facilities would be addressed and resolved in this proceeding. With the withdrawal of the issues concerning the sale of Florida Water's laboratory facilities, Florida Water believes that there is a reasonable prospect that the final hearing may be concluded in one day. Florida Water's counsel has commitments during the weeks of August 6, 2001, including the preparation and filing of posthearing briefs due in Docket No. 000075-TP on August 10, 2001, which would make preparation for and participation in the final hearing as scheduled difficult at best.


6. In view of the above circumstances, and in consideration of the magnitude of the legal and policy issues to be ultimately addressed and resolved in this proceeding, Florida Water maintains that good cause exists for the filing of amended prehearing statements and for rescheduling the remaining controlling dates in this proceeding. Specifically, Florida Water requests that the prehearing conference be rescheduled and that the final hearing be rescheduled for a date within 60

days after the current final hearing dates of August 9-10, 2001. Florida Water also requests that all parties be granted leave to file Amended Prehearing Statements addressing all issues raised by Staff and the parties 10 days prior to the rescheduled prehearing conference.

7. Florida Water has conferred with counsel for OPC and is authorized to represent that OPC takes no position on these motions.

WHEREFORE, for the foregoing reasons, Florida Water respectfully requests that the Prehearing Officer grant these motions, and reschedule the prehearing conference and the final hearing and permit the filing of Amended Prehearing Statements as outlined in paragraph 6 above.

Respectfully submitted,



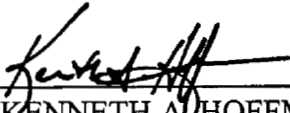
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by Hand Delivery to the following this 12th day of July, 2001:

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