

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-01-1482-PCO-WS
ISSUED: July 16, 2001

ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED
PREHEARING STATEMENTS AND MOTION FOR CONTINUANCE
AND ESTABLISHING NEW CONTROLLING DATES FOR
PREHEARING, HEARING AND BRIEFS

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, 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 new controlling, prehearing and hearing dates were established by Order No. PSC-01-0230-PCO-WS, issued January 24, 2001.

On July 12, 2001, FWSC filed an Agreed Motion for Leave to File Amended Prehearing Statements and Motion for Continuance (Motion). In its Motion, FWSC states that counsel for FWSC has commitments during the weeks of August 6, 2001, including the preparation and filing of posthearing briefs due in other Commission dockets, which would make preparation for and participation in the final hearing as scheduled difficult at best. In light of these circumstances, and in consideration of the magnitude of the legal and policy issues to be ultimately addressed and resolved in this docket, FWSC maintains that good cause exists

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for rescheduling the remaining controlling dates in this proceeding for a date within 60 days of the current final hearing dates of August 9-10, 2001. FWSC further notes that due to the revision of certain issues there is a reasonable prospect that the final hearing may be concluded in one day, rather than two, as was originally scheduled.

In its Motion, the utility also notes that further refinement of the issues has taken place subsequent to the July 9, 2001 filing date for prehearing statements. Due to the revision of some issues and possible stipulation of others, FWSC requests that the utility, as well as the parties and staff, be given leave to file amended prehearing statements addressing all issues raised by staff and the parties ten days prior to the rescheduled Prehearing Conference.

Our staff has conferred with the Office of Public Counsel, who does not object to the granting of the Motion.

Based on the foregoing, the utility's request is reasonable and is therefore granted. The parties and staff shall have leave to amend their respective prehearing statements ten days prior to the rescheduled Prehearing Conference. The following revised dates shall govern this case:

- | | |
|----------------------------------|--------------------|
| 1) Amended Prehearing Statements | August 31, 2001 |
| 2) Prehearing Conference | September 10, 2001 |
| 3) Hearing | September 25, 2001 |
| 4) Briefs | October 23, 2001 |

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Florida Water Services Corporation's Agreed Motion for Leave to File Amended Prehearing Statements and Motion for Continuance is hereby granted. It is further

ORDERED that the parties and staff shall have leave to file amended prehearing statements ten days prior to the Prehearing Conference, rescheduled herein. It is further

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ORDERED that the controlling dates for amended prehearing statements, prehearing, hearing and briefs established in Order No. PSC-00-1170-PCO-WS are modified as set forth in the body of this Order. Order No. PSC-00-1170-PCO-WS is affirmed in all other respects.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 16th day of July, 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)

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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 the Commission Clerk and Administrative Services, 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.