

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-01-2236-PCO-WS
ISSUED: November 16, 2001

ORDER GRANTING 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. 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. By Order No. PSC-01-1482-PCO-WS, issued July 16, 2001, FWSC's Agreed Motion for Leave to File Amended Prehearing Statements and Motion for Continuance was granted, and new controlling dates were established for amended prehearing statements, prehearing, hearing and briefs. The Commission's calendar required subsequent revisions to accommodate other scheduling requirements; accordingly, the controlling dates were revised by Order No. PSC-01-1542-PCO-WS, issued July 25, 2001, and then again by Order No. PSC-01-1642-PCO-WS, issued August 13, 2001. By Order No. PSC-01-1935-PCO-WS, issued September 25, 2001, FWSC's Motion for Continuance was granted in part and denied in part, and new controlling dates were established for the prehearing, hearing and briefs.

DOCUMENT NUMBER-DATE
14552 NOV 16 2001
FPSC-COMMISSION CLERK

On November 14, 2001, FWSC filed a Motion for Continuance (Motion), requesting a continuance of the prehearing and final hearing in this matter. In support of its Motion, the utility states that the Order Establishing Procedure, Order No. PSC-00-1170-WS, required FWSC to mail notice to its customers no less than fourteen days prior to the first day of the final hearing in this matter. FWSC states that the noticing requirement is typically found in procedural orders issued in dockets involving petitions for increases in rates, and notes that this docket does not involve any quality of service issues or a request to increase rates. The utility inadvertently failed to issue notice within the time prescribed by Order No. PSC-00-1170-WS, and thus requests a continuance of this matter to avoid any non-compliance with the Order Establishing Procedure. Further, the Motion states that FWSC anticipates filing a Petition for Waiver and/or Clarification of any noticing requirements in the Order Establishing Procedure which do not appear to be applicable, appropriate or necessary in this case. Counsel for FWSC also states that he has conferred with the Office of Public Counsel (OPC) and is authorized to represent that OPC does not object to the relief requested in FWSC's Motion.

Based on the foregoing, the utility's request is reasonable and is hereby granted. Therefore, the following revised dates shall govern this case:

- | | |
|--------------------------|------------------|
| 1) Prehearing Conference | January 25, 2002 |
| 2) Hearing | February 1, 2002 |
| 3) Briefs | March 1, 2002 |

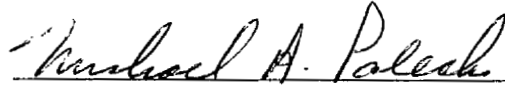
Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Florida Water Services Corporation's Motion for Continuance is granted. It is further

ORDERED that the controlling dates for 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.

ORDER NO. PSC-01-2236-PCO-WS
DOCKET NO. 980744-WS
PAGE 3

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

ORDER NO. PSC-01-2236-PCO-WS

DOCKET NO. 980744-WS

PAGE 4

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.