

BEFORE THE-FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate  
increase in Marion, Orange,  
Pasco, Pinellas, and Seminole  
Counties by Utilities, Inc. of  
Florida.

DOCKET NO. 020071-WS  
ORDER NO. PSC-03-0389-PCO-WS  
ISSUED: March 20, 2003

ORDER GRANTING MOTION FOR EXTENSION OF TIME AND  
SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

Order No. PSC-02-1495-PCO-WU, issued October 31, 2002, established the procedures which govern this docket. Order No. PSC-02-1808-PCO-WS, issued December 20, 2002, revised certain of the controlling dates established by Order No. PSC-02-1495-PCO-WU.

On March 6, 2003, the Office of Public Counsel (OPC) filed a Motion for Extension of Time to File Testimony (Motion for Extension of time), a Motion to Dismiss the Petition for Rate Increase filed in this docket by Utilities, Inc. of Florida (UIF or utility), and a Request for Oral Argument on both Motions. On March 10, 2003, UIF filed a Response to OPC's Motion to Dismiss and a Request for Oral Argument on both Motions. OPC has since withdrawn its Motion to Dismiss, both parties have withdrawn their Requests for Oral Argument, and UIF has stated that it does not oppose OPC's Motion for Extension of Time. This Order disposes of the Motion for Extension of Time.

In the Motion, OPC states that by Order No. PSC-03-0213-PCO-WS, issued February 12, 2003, in this docket, UIF was ordered to provide responses to all discovery referenced in OPC's First, Second, Third, Fourth, and Fifth Motions to Compel discovery responses by February 22, 2003. As of the time of writing the Motion for Extension of Time, OPC had still not received several of the items of discovery that were subject to the requirements of the Order. Moreover, UIF failed to meet the specified February 22 deadline for service of several of the discovery responses which it has provided pursuant to the Order.

OPC further states that although UIF has failed to comply with a large number of the demands of Order No. PSC-03-0213-PCO-WS, it is also true that UIF has produced a large number of the discovery

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responses required by that Order. OPC argues that even this production validates its Motion for Extension of Time. The fact that UIF was able to produce so many responses within ten days demonstrates that had the utility chosen, it could have produced the information at any time during the proceedings, and within the time frame required by the Rules of Civil Procedure.

For the foregoing reasons, and to prevent UIF from gaining an advantage from its delaying tactics, OPC seeks an extension of time to file its direct testimony in this case. Since OPC has encountered a several-month delay in obtaining information to which it has been entitled, OPC seeks a two-month extension to the deadline for filing testimony.

I find it reasonable to grant OPC's request, and the Chairman's Office has approved the rescheduling of the hearing to accommodate it. Therefore, OPC's Motion for Extension of Time is granted. The following revised controlling dates shall govern this case:

- 1) Intervenors' Direct Testimony and Exhibits June 2, 2003
- 2) Staff's Direct Testimony and Exhibits, if any June 16, 2003
- 3) Prehearing Statements June 30, 2003
- 4) Rebuttal Testimony and Exhibits June 30, 2003
- 5) Informal Pre-Prehearing Conference July 8, 2003
- 6) Prehearing Conference August 4, 2003
- 7) Technical Hearing August 20-22, 2003
- 8) Briefs September 22, 2003

All discovery shall be completed by August 13, 2003. The parties shall take note that because a 2001 test year has been approved for this rate case, the hearing dates shall not be further continued.

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Based on the foregoing, it is

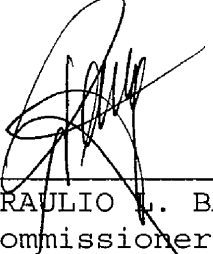
ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Office of Public Counsel's Motion for Extension of Time to File Testimony is granted. It is further

ORDERED that the controlling dates governing this case are revised as set forth in the body of this Order. It is further

ORDERED that Orders Nos. PSC-02-1495-PCO-WU and PSC-02-1808-PCO-WS are reaffirmed in all other respects. It is further

ORDERED that because a 2001 test year has been approved for this rate case, the hearing dates shall not be further continued.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 20th day of March, 2003.

 for Commissioner  
Braulio L. Baez

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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

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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; or (2) 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.