

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for rate increase in Bay
County by Bayside Utility Services, Inc.

DOCKET NO. 030444-WS
ORDER NO. PSC-04-1070-PCO-WS
ISSUED: November 2, 2004

FIRST REVISION TO ORDER ESTABLISHING PROCEDURE

Pursuant to the protest by the Citizens of the State of Florida through the Office of the Public Counsel (OPC) of Notice of Proposed Agency Action Order No. PSC-04-0820-PAA-WS, issued August 23, 2004, this matter was originally set for an administrative hearing, with the prehearing date set for January 3, 2005 and the hearing for January 20-21, 2005. An Order Establishing Procedure, Order No. PSC-04-0914-PCO-WS, was issued accordingly. However, subsequent to the issuance of that order, the prehearing date was changed to February 7, 2005, and the hearing dates to February 21-22, 2005. Based on this change, the controlling dates are changed as follows.

Controlling Dates

Because the utility has already filed its testimony, that date has not changed. However, all other dates are changed as follows:

- | | |
|--|----------------------|
| 1) Utility's direct testimony and exhibits | October 18, 2004 |
| 2) Intervenors' direct testimony and exhibits | December 18, 2004 |
| 3) Staff's direct testimony and exhibits, if any | January 6, 2004 |
| 4) Rebuttal testimony and exhibits | January 20, 2005 |
| 5) Prehearing Statements | January 21, 2005 |
| 6) Prehearing Conference | February 7, 2005 |
| 7) Hearing | February 21-22, 2005 |
| 8) Briefs | March 14, 2005 |

Also, all discovery shall now be completed by February 14, 2005. In all other aspects, Order No. PSC-04-0914-PCO-WS is hereby reaffirmed.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the Order Establishing Procedure is revised as set out above. It is further

ORDERED that the Controlling Dates shall be revised as set out above. It is further

DOCUMENT NUMBER-DATE


11782 NOV-2 2004

FPSC-COMMISSION CLERK

ORDERED that all discovery shall be completed by February 14, 2005. It is further

ORDERED that all other aspects of Order No. PSC-04-0914-PCO-WS are hereby reaffirmed.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 2nd day of November, 2004.


J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

RRJ

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.