

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

DOCKET NO. 080562-WU
ORDER NO. PSC-10-0276-PCO-WU
ISSUED: April 30, 2010

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

On August 19, 2008, East Marion Sanitary Systems, Inc. (East Marion or Utility) petitioned the Commission for changes in its tariff. While considering East Marion's request at its April 7, 2009, Agenda Conference, the Commission heard from a customer who represented that several customers had requested an irrigation meter prior to the tariff change and East Marion had refused to connect the customer's irrigation meter at the old tariff rate.

By Order No. PSC-09-0263-TRF-WU (tariff order), issued April 27, 2009, East Marion was permitted to change its tariffs to increase certain rates but was required to connect certain customers at the prior tariffed rate. East Marion protested that portion of the tariff order relating to the connection of customers at the prior tariffed rate. As a result of the protest, a hearing was set for March 10, 2010, before a Commission panel. By Order No. PSC-09-0742-PCO-WU (OEP), issued November 10, 2009, a procedural schedule was established setting forth the controlling dates for this docket. East Marion was to file testimony on or before December 7, 2009. Because East Marion had not filed testimony in this docket by the deadline and none of the customers referenced in the order had requested intervention, a First Order Revising Order Establishing Procedure, Order No. PSC-10-0116-PCO-WU (First Order) was issued to change the testimony filing dates. Subsequent to the issuance of the First Order, eight customers petitioned to intervene and the utility and customers filed testimony.

On April 28, 2010, Commission staff filed a motion for extension of time to file its testimony. Attached to its motion was a copy of the proposed testimony and exhibits. Staff stated that upon review of the testimony of the utility and the intervening witnesses, Commission staff determined that it had in its possession official Commission records consisting of a telephone message received from the utility owner regarding applications for irrigation meters. Staff states this information would supplement the record in this case. Commission staff states it wishes to submit the evidence through testimony and also to be available for questions regarding its testimony. The testimony was due on April 26, 2010, but staff states it mistakenly read the due date as April 29, 2010. Commission staff requests that the Order Establishing Procedure be amended to permit staff testimony to be filed on April 29, 2010. Commission staff suggested

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that if its request is granted, the filing deadline for rebuttal testimony and exhibits should also be extended to May 6, 2010, to afford equal time to East Marion.

Commission staff confirmed that it attempted to contact all parties to the docket to determine if there were objections to granting staff's request. Commission staff stated that intervenors Greco, Singel, Turner, and Smith did not object. Parties Will and East Marion wished to review the testimony prior to taking a position. Intervenors Politte and Mallon were not available prior to the motion being filed.

Having considered the foregoing, it appears that the requested extension is reasonable, will not prejudice the parties to this proceeding, and will not delay the speedy resolution of the issues. Accordingly, Commission Staff's Motion For Extension of Time to File Testimony until and including April 29, 2010, is granted. To afford equal time to East Marion, the time for filing rebuttal testimony and exhibits is extended to May 6, 2010.

Based on the foregoing, the following revised controlling dates shall govern this case:

Staff Testimony and Exhibits	April 29, 2010
Rebuttal Testimony and Exhibits, East Marion	May 6, 2010

All other controlling dates shall remain as established by Order Nos. PSC-09-0742-PCO-WU and PSC-10-0116-PCO-WU.


Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Commission Staff's Motion for Extension of Time to File Testimony, is hereby granted. It is further,

ORDERED that to afford equal time to East Marion Sanitary Systems, Inc., the time for filing rebuttal testimony and exhibits is extended to May 6, 2010. It is further

ORDERED that Order Nos. PSC-09-0742-PCO-WU and PSC-10-0116-PCO-WU are reaffirmed in all other respects.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 30th day of April, 2010.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(S E A L)

LCB

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.