

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Analysis of Utilities, Inc.'s financial / Docket No: 120161-WS
accounting and customer service computer system. /
/ Filed: March 5, 2014

CONTINGENT MOTION FOR EXTENSION OF TIME TO PRE-FILE TESTIMONY

The Citizens of the State of Florida, through the Office of Public Counsel (“Citizens” or “OPC”), file this Contingent Motion for Extension of Time to Pre-file Testimony pursuant to Rule 28-106.206, Florida Administrative Code. As grounds for this motion, Citizens state as follows:

1. On May 24, 2012, pursuant to a stipulation and settlement between Utilities, Inc. (“UI” or “Utility”) and OPC in Docket No. 110153-SU, Utilities, Inc. of Eagle Ridge (“Eagle Ridge”), UI filed a Petition for establishment of a generic docket related to Utilities, Inc.’s financial accounting and customer service computer system (“Generic Docket”). UI’s financial accounting and customer service computer system is also known as Project Phoenix.

2. The Commission acknowledged OPC’s intervention in this docket on behalf of the UI’s customers by Order PSC-12-0319-PCO-WS, issued June 22, 2012.

3. Paragraph 1 of the Eagle Ridge stipulation and settlement approved by Order No. PSC-12-0346-FOF-SU, issued July 5, 2012, in Docket No. 110153-SU, states in pertinent part:

Eagle Ridge will petition this Commission to open a separate generic docket to address the issue relating to the Utility’s Phoenix Project as raised in its December 22, 2011 Petition. *OPC will not oppose that petition and Eagle Ridge will not object to OPC including additional Phoenix Project issues . . . and any issues related to making and maintaining accounting and ratemaking adjustments in compliance with the NARUC Uniform System of Accounts and prior Commission orders.*
(emphasis added).

4. The purpose of the Generic Docket was to provide UI and OPC additional time to resolve or narrow the disputed issues related to Project Phoenix raised by UI and OPC as well as other

accounting and ratemaking adjustments raised by OPC. UI and OPC resolved the other accounting and ratemaking issues raised by OPC, and the Commission approved a stipulation and settlement agreement by Order No. Order PSC-14-0044-FOF-WS, issued January 22, 2014, in this docket.

5. On January 16, 2014, Order No. PSC-14-0041-PCO-WS establishing procedure (“OEP”) was issued, setting forth controlling dates, discovery procedures, and other hearing procedures related to the remaining disputed issue. The OEP established March 17, 2014 as the deadline for OPC’s pre-filed testimony.

6. On March 4, 2014, OPC filed a Motion to Compel Discovery Responses to its First Set of Interrogatories (Nos. 1-15) and First Request for Production of Documents (Nos. 1-5) propounded to UI on January 28, 2014. On March 4, 2014, OPC filed a Request for Oral Argument on its Motion to Compel.

7. This motion is contingent on whether the Commission grants the relief requested in OPC’s Motion to Compel Discovery Responses related to the remaining matters to be resolved in this Generic Docket relate to Project Phoenix, which both parties expressly agreed could be fully litigated. If the Commission grants the Motion to Compel, OPC will need additional time to develop and pre-file testimony. If not, this request for relief in this Motion will be moot, and OPC will withdraw this Motion.

RELIEF REQUESTED

8. If the Commission grants OPC’s Motion to Compel, in full or in part, OPC will not receive the responses in time to fully analyze and prepare testimony for filing by the March 17, 2014 deadline. OPC requests a minimum of a 30-day extension to pre-file testimony from the time of the receipt of the compelled discovery responses.

9. OPC also requests an expedited response time of 15-days for any discovery based upon the compelled responses in order to meet the extended testimony filing deadline. This additional time should allow OPC enough time to review the discovery responses, conduct any additional discovery including depositions of UI fact witnesses, and develop testimony related to OPC's Project Phoenix issues.

10. In accordance with Rule 28-106.204(3), Florida Administrative Code, OPC consulted with Counsel for UI prior to the filing of this Contingent Motion for Extension of Time to Pre-file Testimony. Counsel for UI indicated if OPC's Motion to Compel is granted, UI does not object to the requested relief so long as UI rebuttal testimony deadline is extended accordingly.

WHEREFORE, the Office of Public Counsel, on behalf of the customers of UI, respectfully requests this Contingent Motion for Extension of Time to Pre-file Testimony be granted.

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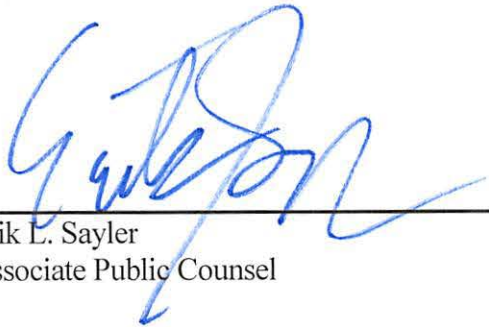
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Office of Public Counsel **Contingent Motion for Extension of Time to Pre-file Testimony** has been furnished by electronic mail and/or U.S. Mail to the following parties on this 5th day of March, 2014, to the following:

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