

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 226-S to add territory in Seminole County by Florida Water Services Corporation.

DOCKET NO. 971638-SU
ORDER NO. PSC-99-0375-PCO-SU
ISSUED: February 22, 1999

ORDER GRANTING COMMISSION STAFF'S REQUEST TO
SUPPLEMENT STAFF'S PREFILED DIRECT TESTIMONY

Pursuant to Order No. PSC-98-1737-PCO-SU, issued December 21, 1998, the controlling dates set forth in Order Establishing Procedure No. PSC-98-0470-PCO-SU were rescheduled and Commission Staff's (Staff) prefiled direct and exhibits were due to be filed on December 18, 1998, and rebuttal testimony and exhibits were due January 29, 1999. Pursuant to Order No. PSC-98-1737-PCO-SU, Staff prefiled the Direct and Rebuttal Testimony of Jo Ann Chase on December 18, 1998.

Pursuant to a Memorandum of Understanding between the Commission and DCA, Staff requested that the DCA provide comments to the Commission on Florida Water Services Corporation (Florida Water's) application to extend its territory. Attached as Exhibit JC-3 of Ms. Chase's testimony was a memorandum to Staff, dated March 6, 1998, from Mr. Charles Gauthier, a Growth Management Administrator in the Bureau of Local Planning with the Florida Department of Community Affairs (DCA).

Prior to the December 18, 1998 testimony date, Staff was unable to obtain direct testimony from the DCA on behalf of Staff with respect to the March 6, 1998 memorandum. Subsequently, Staff was able to obtain prefiled direct testimony from the DCA, which presents Mr. Gauthier's qualifications and sponsors and authenticates the March 6, 1998 memorandum. On February 15, 1999, Staff filed a Request to Supplement Staff's Prefiled Direct Testimony (Request). A copy of the Mr. Gauthier's testimony was attached to Staff's Request as Exhibit A.

Staff's Request states that the proposed supplemental testimony would serve an important role with respect to the development of the evidence in this case, and would be both meaningful and material to both the Commission and parties'

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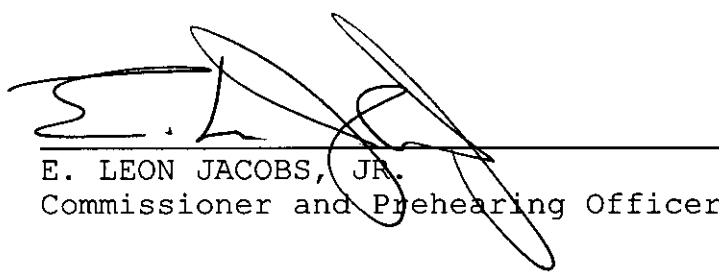
evaluation of the evidence and Staff's position on the matters at issue in the hearing. The Request also states that the allowance of Mr. Gauthier's testimony would be consistent with the provisions of the Memorandum of Understanding between the PSC and DCA. Finally, the Request states that Counsel for Staff has consulted counsels for Florida Water and the City of Longwood, and counsel for Staff is authorized to represent that Florida Water and the City of Longwood do not oppose Staff's Request.

After careful review, it appears that Staff's Request is reasonable. Therefore, Commission Staff's Request to Supplement Staff's Prefiled Direct Testimony is approved. Accordingly, Staff is granted leave to file the prefiled direct testimony of Mr. Charles Gauthier which was attached as Exhibit A to its Request.

Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that Commission Staff's Request to Supplement Staff's Prefiled Direct Testimony is approved as set forth in the body of this Order.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 22nd day of February, 1999.



E. LEON JACOBS, JR.
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, 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 the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, 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.