

LAW OFFICES

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.

ONE INDEPENDENT DRIVE - SUITE 3000  
JACKSONVILLE, FLORIDA 32202

MAILING ADDRESS:  
POST OFFICE BOX 59  
JACKSONVILLE, FLORIDA 32201  
TELEPHONE (904) 354-2050  
TELECOPIER (904) 354-5842

MAUREENE MCKINLEY  
ROBERT O. MICKLER  
JOHN D. MILTON, JR.  
JAMES A. NOLAN, III  
DANIEL B. NUNN, JR.  
SCOTT G. SCHILDBERG  
ALLAN E. WULBERN

OF COUNSEL  
LEWIS S. LEE

JAMES L. ADE  
LYNDA R. AYCOCK  
W. O. BIRCHFIELD  
TIMOTHY A. BURLEIGH  
JASON E. CAMPBELL  
CHARLES L. CRANFORD  
STEPHEN H. DURANT  
T. WILLIAM GLOCKER  
MICHAEL E. GOODBREAD, JR.  
STEPHEN D. HALKER  
SHARON ROBERTS HENDERSON  
BARBARA CHRISTIE JOHNSTON

ORIGINAL

FRANK H. MARTIN (1917-1999)  
KEVIN JOHNSON (1942-1988)

May 19, 2000

Via Federal Express

Ms. Blanca Bayo  
Director, Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

000610 - WS

Re: Application for Service Availability by United Water Florida Inc. for Duval, Nassau, and St. Johns Counties, Florida ("Application")

Dear Ms. Bayo:

Enclosed are an original, seven (7) copies and a diskette of United Water Florida Inc.'s Motion for Clarification of Time, or, in the Alternative, Motion for Extension of Time ("Motion").

In re: Application for Rate Increase in Duval, Nassau, and St. Johns Counties by United Water Florida Inc., Docket No. 960451-WS, the Florida Public Service Commission ordered United Water Florida Inc. ("United Water Florida") to file a service availability application. United Water Florida is in the process of preparing to file such an application. However, the enclosed motion must be filed prior to filing the application.

Accordingly, please open a docket for the Application for Service Availability by United Water Florida Inc. for Duval, Nassau, and St. Johns Counties, Florida and file the original Motion and distribute the copies and diskette in accordance with your usual procedures.

If you have any questions or need additional information concerning this matter, please do not hesitate to call me.

Sincerely yours,



Scott G. Schildberg

SGS/cwb  
Enclosures

cc: Mr. Walton Hill  
Mr. Gary R. Moseley  
Mr. Jack Schreyer  
Ms. Rosanne Gervasi  
Mr. Jack Shreve

JOHNSTON  
MAY 22 11 54 AM '00

DOCUMENT NUMBER-DATE  
06280 MAY 22 8

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Application Regarding )  
Service Availability Charges )  
and Policies by United Water )  
Florida Inc. For Duval, Nassau )  
and St. Johns Counties, Florida)

DOCKET NO.: 000610-WS  
DATE SUBMITTED FOR FILING:  
May 19, 2000

UNITED WATER FLORIDA INC.'S  
MOTION FOR CLARIFICATION OF TIME, OR,  
IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME

Pursuant to Rules 1.090(b) and 1.110(b), Florida Rules of Civil Procedure, and Rule 28-106.204, Florida Administrative Code ("FAC"), United Water Florida Inc. ("United Water Florida"), by and through its undersigned attorneys, hereby moves the Florida Public Service Commission ("Commission") to clarify or, in the alternative, extend the date for filing its Application Regarding Service Availability Charges and Policies ("Application"), and states as follows:

1. In In re: Application for Rate Increase in Duval, Nassau, and St. Johns Counties by United Water Florida Inc., Docket No. 960451-WS ("1996 Rate Case"), Final Order Approving Rates and Charges, Order No. PSC-97-0618-FOF-WS, issued May 30, 1997 ("May Order"), the Commission ordered United Water Florida to subsequently file a service availability Application. As set forth in the May Order, one of the stipulations in the 1996 Rate Case agreed to by both United Water Florida and the Commission was that:

UWF's service availability charges shall not be made uniform at this time. However, the utility shall file a service availability

DOCUMENT NUMBER-DATE

06280 MAY 22 8

FPSC-RECORDS/REPORTING

application within three (3) years after the final rate case Order is issued in the docket. (OPC [Office of Public Counsel] took no position on this issue.) (emphasis added).

2. United Water Florida filed a Motion for Reconsideration of Order No. PSC-97-0618-FOF-WS in the 1996 Rate Case. On September 30, 1997, the Commission issued its Order Granting in Part and Denying in Part Motion for Reconsideration and Amending Order No. PSC-97-0618-FOF-WS, Order No. PSC-97-1146-FOF-WS ("September Order"). The September Order was the final rate case order issued in Docket No. 960451-WS which revised United Water Florida's rates and charges.

3. Because the final rate case order, as set forth in the stipulation, was the September Order, the three (3) year period should run from the date of the September Order and expire on September 30, 2000. The September Order was the final rate case order in the 1996 Rate Case which changed rates and charges. The September Order was the final rate case order which amended the May Order. The status of the September Order as the final rate case order is consistent with the language of the stipulation by the Commission and United Water Florida as stated in the May Order.

4. Because the May Order was not the final rate case order and was amended by the September Order, but the phrase "this Order" was used in the ordering paragraph in the May Order addressing the filing of the Application, there is confusion as

to whether the three (3) year period should run from the date of the May Order or the September Order.

5. United Water Florida anticipates that it will be able to file the Application on or before September 30, 2000, but it may not be able to file the Application on or before May 30, 2000.

6. Because United Water Florida desires to timely file its Application, it hereby moves the Commission to clarify that the end of the three (3) year period for filing the Application is September 30, 2000. In the alternative, United Water Florida moves the Commission to extend the time for filing the Application to July 30, 2000, which is the midpoint between May 30, 2000, and September 30, 2000.

7. With respect to its alternative Motion for Extension of Time, United Water Florida also states the following:

a. The data to be provided with the Application is very extensive and complex and the accumulation and analysis of such data is very time consuming. Part of the reason for the complexity is that United Water Florida acquired the facilities of utility systems of twelve companies since 1983 and has since expanded many of such facilities.

b. United Water Florida has been continuously updating its plant records since 1997 in order to prepare for filing the Application. On September 20, 1997, shortly after the Commission voted to issue the September Order, United Water Florida had its initial meeting with a consultant

for assistance in preparing the continuing property records necessary for the filing of the Application and United Water Florida has been diligently using its personnel in its Florida office and its corporate office to gather, organize and summarize the necessary information for the Application. United Water Florida has been diligently preparing its supporting schedules for the Application based on such information and plant records.

c. United Water Florida desires to have a meeting with members of the Staff prior to filing the Application in order to discuss both the form and substance of the information to be provided, including the level of detail to be included, as well as other matters related to the Application.

d. United Water Florida's proposed plan of a pre-filing meeting and a July 30, 2000, filing date will result in a better and more complete filing and promote administrative efficiency.

e. There are no hearing dates or other dates scheduled in this docket which would require revision if the extension is granted. Furthermore, the extension of time will not limit the amount of time for Staff to review the information in the Application.

f. United Water Florida believes that it can prepare and file the Application on or before July 30, 2000.

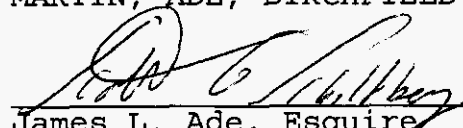
g. No parties would be prejudiced by the extension of time. The Office of Public Counsel, the only other party in the 1996 Rate Case, has been advised of this Motion for Extension of Time but has not yet taken a position on it.

h. "Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and state good cause for the request." Rule 28-106.204(5), FAC. United Water Florida's Motion is being filed before May 30, 2000, which is the earliest of the two alternative filing deadlines. United Water Florida has demonstrated good cause for the extension of time to file the Application. Therefore, the extension of time should be granted. See Order No. PSC-99-0511-PCC-EG, Order Granting Extension of Time, Docket Nos. 971004-EG, 971005-EG, and 971006-EG, issued March 11, 1999.

WHEREFORE, United Water Florida moves the Commission to clarify that the end of the three (3) year period for filing the Application is September 30, 2000, or, in the alternative, extend the time for filing the Application to July 30, 2000.

Respectfully submitted,

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.

  
James L. Ade, Esquire  
Florida Bar No. 0000460  
Scott G. Schildberg  
Florida Bar No. 0613990  
One Independent Drive, Suit 3000  
Jacksonville, Florida 32202  
Telephone: (904) 354-2050  
Facsimile: (904) 354-5842

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and seven (7) copies of the foregoing United Water Florida Inc.'s Motion for Clarification of Time, or, in the Alternative, Motion for Extension of Time was furnished to Blanca Bayo, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, by Federal Express, this 19th day of May, 2000, and that a copy of the foregoing United Water Florida Inc.'s Motion for Clarification of Time, or, in the Alternative, Motion for Extension of Time was furnished to Rosanne Gervasi, Esquire, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, by U. S. Mail and facsimile, this 19th day of May, 2000.

  
\_\_\_\_\_  
Attorney