

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for water and wastewater
service in Duval, Baker, and Nassau Counties,
by First Coast Regional Utilities, Inc.

DOCKET NO. 20190168-WS
ORDER NO. PSC-2020-0270-PCO-WS
ISSUED: July 28, 2020

ORDER GRANTING FIRST COAST REGIONAL UTILITIES INC.'S
MOTION FOR STAY OF PROCEEDINGS

I. Background

On August 27, 2019, pursuant to Sections 367.031 and 367.045, Florida Statutes (F.S.), and Rule 25-30.033, Florida Administrative Code (F.A.C.), First Coast Regional Utilities, Inc. (First Coast or Utility) filed an application for an original certificate of authorization and initial rates and charges for water and wastewater service in Duval, Baker, and Nassau Counties in Docket 20190168-WS. On December 26, 2019, JEA filed an objection to First Coast's application.¹ By Order No. PSC-2020-0112-PCO-WS, issued April 17, 2020, this matter was set for an administrative hearing on September 22-23, 2020.

On July 17, 2020, First Coast filed an Unopposed Motion to Stay the Proceedings Relating to Applicant's Application (Motion).²

II. Motion for Stay of Proceedings

In its Motion, First Coast requests that all proceedings in this docket be stayed for a period of ninety days. First Coast states that JEA has reviewed the Motion and agrees to the relief sought. In support of its Motion, First Coast states that the COVID-19 pandemic is adversely impacting First Coast and JEA's ability to effectuate discovery. First Coast states that after conferring with JEA, remote witness depositions appear to be impracticable. The Utility asserts that a ninety day stay of the proceedings and allowing the parties additional time to conduct discovery would enable the parties to more efficiently prosecute the case, and increase the likelihood of a settlement of all issues. The Utility requests that the following key activities of this case be stayed for ninety days: prehearing statements, discovery deadline, Prehearing Conference, hearing, and briefs. The Utility further states that discovery in this case will continue notwithstanding the stay of the deadline of the key activities listed above.

III. Conclusion

It does not appear that any party will be prejudiced if this matter is held in abeyance. The parties shall report to this Commission in writing no later than sixty (60) days from the date of this Order, the status of the docket and any settlement negotiations, and the need, if any, to

¹ See Document No. 11478-2019.

² Document No. 03832-2020.

continue or to cease the stay. The remaining procedural dates will be scheduled by separate order at the appropriate time. Therefore, I find it appropriate and reasonable to grant First Coast's Unopposed Motion to Stay the Proceedings.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that First Coast Regional Utilities, Inc.'s Unopposed Motion to Stay the Proceedings is granted. It is further

ORDERED that First Coast Regional Utilities, Inc. and JEA shall report to this Commission in writing no later than sixty (60) days from the date of this Order, the status of the docket and any settlement negotiations, and the need, if any, to continue or to cease this Stay of Proceedings.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 28th day of July, 2020.



ART GRAHAM
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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; 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.