

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate increase and for increase in service availability charges in Lake County by Lake Utility Services, Inc.

DOCKET NO. 960444-WU
ORDER NO. PSC-99-0323-PCO-WU
ISSUED: February 18, 1999

ORDER GRANTING MOTION FOR EXTENSION OF FILING TESTIMONY
AND REVISING ORDER NO. PSC-98-1622-PCO-WU

By Proposed Agency Action (PAA) Order No. PSC-97-0531-FOF-WU, issued May 9, 1997, this Commission approved, in part, and denied, in part, increased rates and charges for Lake Utility Services, Inc. (LUSI or utility). On May 30, 1997, LUSI timely filed a protest to that order. Accordingly, this matter was scheduled for an administrative hearing. By Order No. PSC-97-0899-PCO-WU, the Commission acknowledged the Office of Public Counsel's (OPC) intervention in this docket.

Pursuant to Order No. PSC-97-0710-PCO-WU (Order Establishing Procedure), controlling dates were established which included prehearing and hearing dates. On September 17, 1997, LUSI filed an offer of settlement of its protest to Order No. PSC-97-0531-FOF-WU. The Commission accepted LUSI's offer of settlement by PAA Order No. PSC-98-0683-AS-WU, issued May 18, 1998. On June 8, 1998, OPC timely filed a protest to that order.

Following OPC's protest of Order No. PSC-98-0683-AS-WU, LUSI filed a Notice of Withdrawal of Offer of Settlement and Notice of Withdrawal of Protest of PAA Order No. PSC-97-0531-FOF-WU. By Order No. PSC-98-1582-PCO-WU, issued November 25, 1998, the Commission rejected LUSI's notice of withdrawal, and this docket was rescheduled for hearing. By Order No. PSC-98-1622-PCO-WU (Order Revising Order Establishing Procedure), issued December 4, 1998, revised controlling dates were established, including the filing of rebuttal testimony on February 15, 1999 and a prehearing conference scheduled for March 1, 1999.

On February 11, 1999, LUSI filed a Motion for Extension of Time to File Rebuttal Testimony. In support of its motion, LUSI states that staff's testimony was timely filed on February 8, 1999. LUSI's witness has been ill since February 8, 1999, and it is not certain whether he will be well enough to return to work by

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February 15, 1999. LUSI states that absent an extension, it will be denied its due process right to respond to the case in opposition to its rate increase. LUSI states that its requested extension will have no impact on the remaining critical dates in this docket. Finally, LUSI states that it does not oppose the same extension for any other party seeking to file rebuttal testimony.

Our staff counsel has verified that OPC does not object to LUSI's motion. Based on the foregoing, LUSI's motion for extension is hereby granted. The date for filing all rebuttal testimony in this docket is hereby rescheduled for February 15, 1999.

Further, because of scheduling requirements, the original prehearing date in this matter has been rescheduled for March 2, 1999. Except as modified herein, Order No. PSC-98-1622-PCO-WU, is hereby reaffirmed in all respects.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Lake Utility Services, Inc.'s Motion for Extension of Time to File Rebuttal Testimony is hereby granted. It is further

ORDERED that Order No. PSC-98-1622-PCO-WU is hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-98-1622-PCO-WU is reaffirmed in all other respects.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 18th day of February, 1999.



SUSAN F. CLARK
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.