

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by FLORIDA WATERWORKS)	DOCKET NO. 860184-PU
ASSOCIATION for investigation of)	
proposed repeal of Section 118-(b),)	ORDER NO. 22742
Internal Revenue Code (contributions-)	
in-aid-of-construction))	ISSUED: 3-28-90
)	

ORDER GRANTING EXTENSION OF TIME
TO PREFILE REBUTTAL TESTIMONY

By Order No. 16971, issued December 18, 1986, this Commission authorized certain corporate water and wastewater utilities to elect to "gross-up" contributions-in-aid-of-construction (CIAC) in order to offset the tax impact of an amendment to Section 118(b), Internal Revenue Code. To date, forty-four water and/or wastewater utilities have elected to implement such a gross-up.

By Order No. 21266, issued May 22, 1989, this Commission proposed to establish guidelines to control the collection of taxes on CIAC. On or before June 12, 1989, a number of substantially affected persons filed protests to Order No. 21266.

On June 26, 1989, by Order No. 21436, this Commission proposed to require a number of water and/or wastewater utilities to refund certain amounts of contributed taxes. We also proposed to require other utilities to make adjustments to their depreciation reserves. On or before July 17, 1989, a number of substantially affected persons filed protests to Order No. 21436.

This case is currently scheduled for an administrative hearing on April 27, 1990, with a prehearing conference to be held on April 6, 1990.

By Order No. 21801, issued August 29, 1989, the Prehearing Officer established a schedule to govern key activities in this case. Pursuant to the provisions of Order No. 21980, all parties and the Staff of this Commission (Staff) were to prefile their rebuttal testimony and exhibits no later than March 23, 1990.

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On March 16, 1990, a substantial number of the parties petitioned for an extension of time to prefile their rebuttal testimony. According to the petitioners, the purpose of the extension is so that they may hold informal discussions with Staff in order to define and limit, if possible, the issues to be considered in this case.

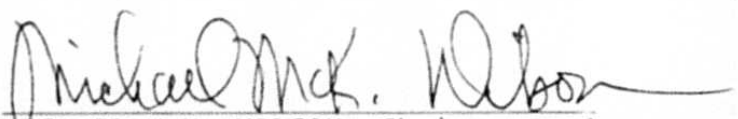
Upon consideration, it does not appear that granting petitioners' motion will prejudice any party or do any harm to the case schedule. The petitioners shall, therefore, have until March 30, 1990, to prefile their rebuttal testimony and exhibits.

Based upon the foregoing, it is

ORDERED by Chairman Michael McK. Wilson, as Prehearing Officer, that the petitioners' motions for extension of time to prefile rebuttal testimony and exhibits are hereby granted. It is further

ORDERED that the petitioners shall prefile their rebuttal testimony and exhibits no later than March 30, 1990.

By ORDER of Chairman Michael McK. Wilson, as Prehearing Officer, this 28th day of MARCH, 1990.


MICHAEL McK. WILSON, Chairman 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 120.59(4), 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.

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 25-22.038(2), 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 sewer 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.