

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificate to operate a water  
utility in Charlotte  
and Lee Counties, by Town and  
Country Utilities Company.

DOCKET NO. 981288-WU  
ORDER NO. PSC-99-0696-PCO-WU  
ISSUED: April 12, 1999

ORDER GRANTING MOTION FOR EXTENSION OF TIME  
AND CHANGING DATES FOR FILINGS AND PREHEARING CONFERENCE

On November 10, 1998, Town and Country Utilities Company (Town and Country or utility), filed an application for a certificate to operate a water utility in Charlotte and Lee Counties. Timely protests to the application were filed and this matter was set for an administrative hearing.

By Order No. PSC-99-0084-PCO-WU (Order Establishing Procedure), issued January 13, 1999, controlling dates were established in this docket. Pursuant to that order, Town and Country's direct testimony and exhibits are due on April 16, 1999, and the prehearing conference and hearing dates are scheduled on August 5, 1999 and August 24-25, 1999, respectively.

On March 22, 1999, Town and Country filed a Motion for Extension of Time to file all prefiled testimony and exhibits in this proceeding and for the filing of the pre-hearing statements of all parties in this docket. In support of its motion, Town and Country states that it requires a thirty-day extension to adequately prepare its testimony as well as other matters related to preparation for the hearing. Town and Country requests this additional time so as to allow all parties to this proceeding ample time to determine the nature and extent of the protests by Charlotte and Lee Counties and to attempt to resolve those protests, if possible.

Town and Country has contacted the attorneys for all parties including counsel for Charlotte County, whose Board of County Commissioners voted to withdraw its protest on conditions to which Town and Country is agreeable, and Lee County, who is currently discussing the possibility of a settlement arrangement. The parties indicate that they do not object to Town and Country's

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requested extension, and that there is sufficient time to permit all parties an additional thirty days in which to prepare their case and submit appropriate testimony.

Town and Country's motion does not require a delay in either the prehearing or hearing dates that have already been scheduled. Accordingly, Town and Country's motion is hereby granted. Prehearing statements shall be due on the same day as rebuttal testimony to ensure adequate time to prepare for the prehearing conference. Therefore, the following revised dates shall govern this case:

- |                                                              |                             |
|--------------------------------------------------------------|-----------------------------|
| 1) Company's direct testimony and exhibits                   | May 17, 1999                |
| 2) Intervenor's direct testimony and exhibits                | June 7, 1999                |
| 3) Staff's direct testimony and exhibits                     | June 28, 1999               |
| 4) Rebuttal testimony and exhibits and Prehearing Statements | July 19, 1999               |
| 5) Prehearing Conference                                     | August 5, 1999 <sup>1</sup> |

Based on the foregoing, it is

ORDERED by Susan F. Clark, Prehearing Officer, that Town and Country Utility Company's Motion for Extension of Time and Changing Dates for Filings and Prehearing Conference is hereby granted as set forth in the body of this Order. It is further

ORDERED that the dates for filings and the prehearing conference are revised as set forth in the body of this Order.

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<sup>1</sup>The prehearing conference was rescheduled from August 9, 1999, to August 5, 1999, by the Chairman.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 12th day of April, 1999.

  
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SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

SAC

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,

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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.