

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of utility  
rates of Aloha Utilities, Inc.  
in Pasco County.

DOCKET NO. 960545-WS  
ORDER NO. PSC-99-1499-PCO-WS  
ISSUED: August 3, 1999

ORDER GRANTING SECOND MOTION FOR EXTENSION OF TIME AND  
RESCHEDULING CONTROLLING DATES

On July 6, 1999, the Office of Public Counsel (OPC), and Representative Mike Fasano, Intervenor, filed their joint Intervenor's Motion for More Time to Provide Prefiled Testimony (Motion). That motion was granted by Order No. PSC-99-1375-PCO-WS, issued July 16, 1999.

Now, on July 23, 1999, those same parties have filed their Second Motion for More Time to Provide Prefiled Testimony (Second Motion). In this Second Motion, the intervenors state that, in the course of discovery, they filed their Request for Entry on to Land, for the Purpose of Inspection, and Taking of Samples. The intervenors expect a water quality laboratory to take samples of the utility's water for analysis and the intervenors would base part of their prefiled testimony on this analysis. The intervenors state that though their testing facility is ready and willing to conduct sampling now, the intervenors and the utility had reached agreement that the sampling would be done on August 4, 1999, shortly after the utility's engineer returned from vacation.

However, intervenors state that they have now discovered that if a sample is taken on August 4, 1999, the results, pursuant to normal procedure, would not be available until August 18, 1999, some two days after their testimony due date. Therefore, the intervenors request that they be given an additional two weeks, until August 30, 1999, in which to prefile their testimony.

On July 28, 1999, Aloha Utilities, Inc. (Aloha or utility), filed its timely response. In its response, the utility states that, by paying a premium, the intervenors could receive the test results on an expedited basis such that no further extension would be necessary. Although Aloha opposes the granting of any additional extension, it requests that if an extension is granted that it be limited to two weeks with all other parties being given an extension of the same number of additional days.

DOCUMENT NUMBER-DATE

09143 AUG-38

FPSC-RECORDS/REPORTING

Upon consideration, the granting of an additional two week extension to all parties for the prefiling of testimony will not interfere with the currently scheduled prehearing conference or hearing. Therefore, this Second Motion shall be granted, and the intervenors shall have up to and including August 30, 1999, to prefile their testimony. Further, the controlling dates for the filing of any staff testimony and exhibits, rebuttal testimony and exhibits, and prehearing statements set forth in the Order Establishing Procedure, Order No. PSC-99-0514-PCO-WS, are revised as follows:

- |   |                    |
|---|--------------------|
| 1) Staff's direct testimony<br>and exhibits, if any | September 22, 1999 |
| 2) Rebuttal testimony<br>and exhibits               | October 29, 1999   |
| 3) Prehearing Statements                            | October 29, 1999   |

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Intervenors' Second Motion for More Time to Provide Prefiled Testimony is granted as set forth in the body of this Order. It is further

ORDERED that the controlling dates set forth in the Order No. PSC-99-1375-PCO-WS, issued July 16, 1999, are rescheduled as set forth in the body of this Order.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 3rd day of August, 1999.

  
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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.