

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificates to operate a water  
and wastewater utility in Duval  
and St. Johns Counties by  
Intercoastal Utilities,  
Inc.

DOCKET NO. 992040-WS  
ORDER NO. PSC-00-0210-PCO-WS  
ISSUED: February 2, 2000

ORDER GRANTING MOTION TO  
CONSOLIDATE DOCKETS NOS. 992040-WS AND 990696-WS

On December 30, 1999, Intercoastal Utilities, Inc. (Intercoastal or utility) filed an application requesting an amendment of certificates to provide water and wastewater service to a development located in both Duval and St. Johns Counties known as Nocatee; to extend its service territory in St. Johns County; and for an original certificate for its existing service area. Docket No. 992040-WS was assigned to that application. On January 11, 2000, Intercoastal filed a Motion to Consolidate Dockets Nos. 992040-WS and 990696-WS.

Docket No. 990696-WS involves an application filed on June 1, 1999, by Nocatee Utility Corporation (NUC) requesting certificates to provide water and wastewater service to the Nocatee development. On June 30, 1999, Intercoastal timely filed an objection and request for hearing in that docket. Accordingly, Docket No. 990696-WS is set for hearing on August 9 and 10, 2000. Order No. PSC-99-1764-PCO-WS, issued September 9, 1999, established the procedure and Order No. PSC-99-2428-PCO-WS, issued December 13, 1999, sets forth the controlling dates for Docket No. 990696-WS.

In support of its motion to consolidate, Intercoastal states that it is already a party in Docket No. 990696-WS because it has objected to Nocatee's application for an original certificate in that case. Moreover, Intercoastal states that its application in Docket No. 992040-WS wholly encompasses the territory for which Nocatee has applied in Docket No. 990696-WS. Intercoastal asserts that judicial economy will be promoted if these dockets are consolidated because the two cases "reflect investor-owned utilities applying for certification for substantial portions of territory in St. Johns and Duval Counties which significantly overlap" and both Intercoastal and NUC "are seeking certification to allow each utility to service the Nocatee development with

DOCUMENT NUMBER-DATE

01420 FEB-28

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0210-PCO-WS  
DOCKET NO. 992040-WS  
PAGE 2

water, wastewater, and reuse service." Intercoastal further states that it is aware that the utility's direct testimony would be due on February 11, 2000, pursuant to Order No. PSC-99-2428-PCO-WS, and that it is "ready, willing and able" to meet this filing deadline. Intercoastal contends that it will be the only party put on a "hurry-up" schedule resulting from the consolidation of these dockets because NUC has been aware of the testimony filing due date since December 13, 1999.

No response was filed to Intercoastal's motion; however, counsel for NUC has represented that NUC does not object to Intercoastal's motion to consolidate. On January 24, 2000, NUC and its parent company, DDI, Inc., timely filed objections to Intercoastal's application and requested a hearing on the matter.

Rule 28-106.108, Florida Administrative Code, states that, "If there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party." In Dockets Nos. 992040-WS and 990696-WS, Intercoastal and NUC are both requesting to provide service to the future Nocatee development. Both of these dockets will raise similar issues of fact and law and will involve identical parties. Further, although a portion of Intercoastal's application requests an extension of territory that is not contained in NUC's application and a certificate for Intercoastal's current service area, this part of Intercoastal's application will still raise issues of law and fact similar to those raised in the portion of the application that coincides with NUC's application.

Holding separate hearings in these dockets will cause unnecessary duplication of time and resources. Also, the consolidation of these dockets will promote the just, speedy, and inexpensive resolution of the proceedings. Moreover, Intercoastal has stated that it is willing and able to file its direct testimony in this matter on February 11, 2000, so there will be no undue prejudice to the parties if the dockets are consolidated. Thus, Intercoastal's Motion to Consolidate Dockets Nos. 992040-WS and 990696-WS is hereby granted.

Orders Nos. PSC-99-1764-PCO-WS and PSC-99-2428-PCO-WS, issued in Docket No. 990696-WS, shall also govern Docket No. 992040-WS.

ORDER NO. PSC-00-0210-PCO-WS  
DOCKET NO. 992040-WS  
PAGE 3

The controlling dates set forth in Order No. PSC-99-2428-PCO-WS are as follows:

- 1) Company's direct testimony and exhibits February 11, 2000
- 2) Intervenor's direct testimony and exhibits March 17, 2000
- 3) Staff's direct testimony and exhibits, if any April 17, 2000
- 4) Rebuttal testimony and exhibits May 12, 2000
- 5) Prehearing statements June 2, 2000
- 6) Prehearing conference July 10, 2000
- 7) Hearing August 9-10, 2000
- 8) Briefs September 6, 2000

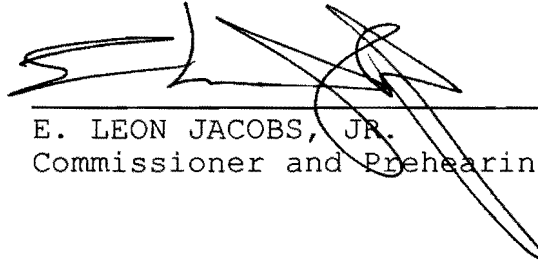
Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that Intercoastal Utilities, Inc.'s Motion to Consolidate Dockets Nos. 992040-WS and 990696-WS is hereby granted. It is further

ORDERED that Order No. PSC-99-1764-PCO-WS, issued September 9, 1999, which established the procedure in Docket No. 990696-WS, and Order No. PSC-99-2428-PCO-WS, which sets forth the controlling dates in Docket No. 990696-WS, shall also govern Docket No. 992040-WS.

ORDER NO. **PSC-00-0210-PCO-WS**  
DOCKET NO. 992040-WS  
PAGE 4

By ORDER of Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, this 2nd Day of February, 2000.



---

E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

( S E A L )

SMC

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.