

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 990696-WS

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-00-0778-PCO-WS  
ISSUED: April 20, 2000

ORDER GRANTING MOTION TO CONTINUE REBUTTAL TESTIMONY FILING  
DATE AND MOTION FOR EXTENSION OF TIME TO FILE  
PREFILED TESTIMONY AND EXHIBITS

On June 1, 1999, Nocatee Utility Corporation (NUC) filed an application for original certificates to provide water and wastewater service to a development located in Duval and St. Johns Counties known as Nocatee. Docket No. 990696-WS was assigned to that application. On June 30, 1999, Intercoastal Utilities, Inc. (Intercoastal or utility) timely filed a protest to NUC's application and requested a formal hearing.

On December 30, 1999, Intercoastal filed an application requesting an amendment of certificates to provide water and wastewater service in the Nocatee development; 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. NUC, Sawgrass Association, Inc. (Sawgrass), and JEA (formerly known as Jacksonville Electric Authority) timely filed objections to Intercoastal's application and requested a formal hearing. St. Johns County (County) was granted intervention by Order No. PSC-00-0336-PCO-WS, issued February 17, 2000.

By Order No. PSC-00-0210-PCO-WS, issued February 2, 2000, Dockets Nos. 990696-WS and 992040-WS were consolidated. The prehearing conference and hearing dates are scheduled for July 10, 2000, and August 9 and 10, 2000, respectively.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On March 24, 2000, Intercoastal filed a Motion to Continue Rebuttal Testimony Filing Date, requesting that the date to file rebuttal testimony be changed from May 12, 2000, to May 26, 2000. In support of its motion, Intercoastal states that its counsel has "significant conflicts during the three weeks proceeding the date of May 12, 2000"; that the rebuttal testimony in this matter is likely to be complex because this is a consolidated docket; that Intercoastal is "rebutting the contentions of several parties which also increases the importance of the rebuttal testimony"; and that a continuance of the rebuttal filing date "will not prejudice any party and will facilitate the orderly filing and completion of the rebuttal testimony." Staff counsel contacted NUC, JEA, Sawgrass, and the County and verified that they are not opposed to Intercoastal's motion.

On March 31, 2000, the Staff of the Florida Public Service Commission (staff) filed its Motion for Extension of Time to File Prefiled Testimony and Exhibits, requesting a change in its testimony filing date from April 17, 2000, to May 1, 2000. In support of its motion, staff states that an additional two weeks is needed to file testimony and exhibits in order to more fully analyze the large amount of filings produced by this consolidated docket. Staff also states that its counsel has contacted counsel for NUC, Intercoastal, JEA, Sawgrass, and the County, and they have stated that they are not opposed to the extension of the filing date.

Both Intercoastal's and staff's motions are reasonable and do not require a change in the prehearing or hearing dates. Thus, the motions are hereby granted. The following revised dates shall govern this case.

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|---|--------------|
| 1) Staff's direct testimony<br>and exhibits | May 1, 2000  |
| 2) Rebuttal testimony<br>and exhibits       | May 26, 2000 |
| 3) Prehearing Statements                    | June 2, 2000 |

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Intercoastal Utilities, Inc.'s Motion to Continue Rebuttal Testimony Filing Date is hereby granted. It is further

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ORDERED that Staff's Motion for Extension of Time to File Prefiled Testimony and Exhibits is hereby granted. It is further

ORDERED that the dates for filing testimony are hereby changed as set forth in the body of this Order.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 20th day of April, 2000.

  
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J. TERRY DEASON  
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,

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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.