

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

DOCKET NO. 110153-SU
ORDER NO. PSC-12-0050-PCO-SU
ISSUED: February 3, 2012

ORDER GRANTING THE OFFICE OF PUBLIC COUNSEL'S
MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY AND
MODIFYING ORDER ESTABLISHING PROCEDURE
RESCHEDULING HEARING DATES

BY THE COMMISSION:

Background

On December 21, 2011, this Commission issued Order No. PSC-11-0587-PAA-SU (PAA Order.) On December 22, 2011, Utilities Inc. of Eagle Ridge (Eagle Ridge or Utility) timely filed a Petition for Formal Hearing protesting the PAA Order. On January 9, 2012, the Office of Public Counsel (OPC) filed its Petition on Proposed Agency Action.

By Order No. PSC-12-0042-PCO-SU (Order Establishing Procedure), issued January 25, 2012, a procedural schedule was established setting forth controlling dates for this docket.

This Order is issued pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

OPC's Motion

On January 26, 2012, OPC filed a Motion for Extension of Time to File Testimony and Exhibits requesting that the February 22, 2012 date be extended to March 7, 2012 and suggesting that the filing dates for the Utility and staff be extended as well. In its motion, OPC argued that the February 22, 2012 date to file Intervenors' testimony and exhibits is inadequate for preparation of its case. OPC states that though the issues in the case are few, they are complex, comprehensive, and require adequate time to evaluate, conduct and review discovery,¹ draft and prepare testimony and create exhibits in support of OPC's petition and in response to the Utility's filing. OPC represented that Eagle Ridge's counsel was opposed to the motion.

¹ It is noted that pursuant to the Rules of Civil Procedure governing discovery, OPC could have begun its discovery at the time the protest was filed.

DOCUMENT NUMBER-DATE

00702 FEB-3 2012

FPSC-COMMISSION CLERK

Eagle Ridge's Response

Eagle Ridge has not filed a response to OPC's motion. Eagle Ridge's counsel advised Commission staff that the Utility would not file a response to the motion and would not object as long as the Utility's deadlines for filing testimony and rebuttal were also extended.

Ruling and Revised Controlling Dates

In its motion, OPC correctly states that the eight month deadline for the Commission to render a decision is August 22, 2012. The prehearing and hearing were originally scheduled for March 28, 2012 and April 17-18, 2012, respectively. These dates were the dates available given the Commission's hearings schedule at the time. Subsequent to the issuance of the Order Establishing Procedure, new hearing dates have become available due to developments in other Commission dockets. It is in the best interest of all parties to amend the Order Establishing Procedure to reflect new dates for the prehearing, and the service and technical hearings. The time for filing the Utility's direct and rebuttal testimony, Intervenor and staff's testimony and exhibits, and other key dates shall also be extended. Accordingly, the controlling dates established by the Order Establishing Procedure shall be revised as set forth below:

(1) Utility's testimony and exhibits	February 15, 2012
(2) Intervenors' testimony and exhibits	March 14, 2012
(3) Staff's testimony and exhibits, if any	March 28, 2012
(4) Rebuttal testimony and exhibits	April 13, 2012
(4) Prehearing Statements	April 16, 2012
(5) Prehearing Conference	April 24, 2012
(6) Discovery Deadline	April 24, 2012
(7) Technical Hearing	May 2 - 3, 2012
(8) Briefs	May 17, 2012

All other procedures and dates established in Order No. PSC-12-0042-SU shall remain the same.

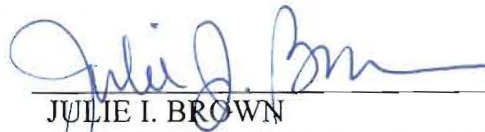
Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the Office of Public Counsel's Motion for Extension of Time to File Testimony is hereby granted, as set forth herein. It is further

ORDERED that the controlling dates established in Order No. PSC-12-0042-PCO-SU are modified as set forth in this Order. It is further

ORDERED that Order No. PSC-12-0042-PCO-SU is reaffirmed in all other respects.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 3rd day of February, 2012.



JULIE I. BROWN
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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; or (2) 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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review

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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.