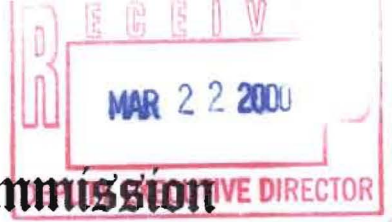




ORIGINAL



Public Service Commission

EXECUTIVE DIRECTOR

-M-E-M-O-R-A-N-D-U-M-

DATE: March 22, 2000

TO: Dr. Mary Bane, Deputy Executive Director, Technical Division

FROM: Samantha Cibula, Division of Legal Services S.M.C. [initials]
Cissy Rehwinkel, Division of Water and Wastewater [initials]

RE: Request for a Time Certain to Consider Item # 51, Docket No. 990696-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Docket No. 992040-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Attached is the request of Intercoastal Utilities, Inc. (Intercoastal) for the Commission to set a time certain, preferably at 10:00 a.m., to consider Item No. 51 at the March 28, 2000, agenda conference. Item No. 51 involves staff's recommendation on the motion to dismiss Intercoastal's application filed by St. Johns County, Nocatee Utility Corporation, and DDI in the above-referenced dockets. In support of its request, counsel for Intercoastal states that he is attending a hearing in Docket No. 960545-WS in Pasco County on March 29, 2000, and if he is unable to get to Pasco County as early as possible on Tuesday, his client in Docket No. 960545-WS may be prejudiced. Moreover, he states that if he is forced to send another attorney to cover Item No. 51 at the March 28, 2000, agenda conference, then Intercoastal may be prejudiced. Staff believes that this item should be set for a time certain to allow counsel for Intercoastal the opportunity to participate at the agenda conference on March 28, 2000. Therefore, staff recommends that Intercoastal's request to set Item No. 51 at a time certain, preferably at 10:00 a.m., should be granted.

- AFA
APP
CAF
CMW
CTR
EAG
LEG
MAS
OPC
RRR
SEC
WAW
OTH

SMC/lw

Attachment

cc: Division of Records and Reporting

Recommend approval.
HAB

OK
[Handwritten initials]

DOCUMENT NUMBER-DATE

03728 MAR 24 8

FPSC-RECORDS/REPORTING

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March 21, 2000

ROBERT M. C. ROSE
OF COUNSEL

VIA TELECOPY

Samantha Cibula, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 99-0696-WS and 992040-WS
Intercoastal Utilities, Inc.

Dear Samantha:

I request that Item No. 51 on next Tuesday's Agenda (March 28, 2000) be set for a time certain, preferably at 10:00 a.m. or as soon thereafter as the same may be heard.

I agreed to a continuance of these Motions to Dismiss from when they were originally scheduled to accommodate counsel for the County, and I believe no counsel will object to this matter being heard on time-certain.

The reason for this request is the fact that I have taken on an increasingly burdensome role in a PSC hearing which occurs in Pasco County the next day (Wednesday, March 29, 2000 - Docket No. 960545-WS). Even if the matter is heard at 10:00 a.m., I still must travel to Pasco County and meet with my witnesses and do final preparation before trial. If I am not able to get to Pasco County as early as possible on Tuesday, my client in that case may be prejudiced. If I am forced to send another attorney to cover this matter for Intercoastal, then Intercoastal may be

Samantha Cibula, Esq.
March 21, 2000
Page 2

prejudiced. Hopefully, all of this can be somewhat avoided if we can hear this matter as early in the morning as possible.

Thank you in advance for your attention to this matter. I look forward to your response with regard to the same.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



John L. Wharton, Esq.
For The Firm

JLW/lm

cc. Steve Menton, Esq.
Suzanne Brownless, Esq.
Rick Melson, Esq.
Michael Korn, Esq.

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ROBERT M. C. ROSE
OF COUNSEL

TELECOPY COVER SHEET

DATE: March 21, 2000 OUR FILE NO.: 26003.13 PAGES: _____

TO: Samantha Cibula TELECOPY NUMBER: 413-6213

FROM: John L. Wharton, Esq. CONTACT PERSON: Leah

SUBJECT: Intercoastal Utilities, Inc.

MESSAGE: _____

Please notify us immediately if not received properly:
(850) 877-6555

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