

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

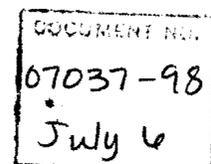
In re: Application for a rate
increase for North Ft. Myers
Division in Lee County by
Florida Cities Water Company -
Lee County Division.

DOCKET NO. 950387-SU
ORDER NO. PSC-98-0893-PCO-SU
ISSUED: July 6, 1998

THIRD ORDER REVISING ORDER ON PROCEDURE

The First District Court of Appeal has reversed and remanded the Commission's decision set forth in Order No. PSC-96-1133-FOF-SU. Pursuant to this remand, the Commission decided to reopen the record and schedule a hearing to take testimony and evidence on the issue of what flows should be used in the numerator of the used and useful equation when the Department of Environmental Protection permits the plant on the basis of annual average daily flows. Accordingly, Order No. PSC-98-0483-PCO-SU, issued April 3, 1998, established all controlling procedural dates for this proceeding on remand.

By Order No. PSC-98-0568-PCO-SU, issued April 23, 1998, the dates for the filing of testimony were modified to give the Commission time to consider Florida Cities Water Company's Amended Motion for Stay Pending Judicial Review and Request for Expedited Treatment. By Order No. PSC-98-0729-PCO-SU, all controlling dates were cancelled pending the final outcome of the utility's Petition for Review of the Commission's decision to reopen the record. The utility's petition for review was denied per curiam by the First District Court of Appeal by Opinion filed June 17, 1998. Therefore, the hearing has been rescheduled for December 8 and 9, 1998. Accordingly, all controlling dates and time for completion of discovery are re-established as follows:



Controlling Dates

The following dates have been established to govern the key activities of this case.

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|--|---------------------------------------|
| 1) Utility's direct testimony and exhibits | September 30, 1998 |
| 2) Intervenors' direct testimony and exhibits | October 13, 1998 |
| 3) Staff's direct testimony and exhibits, if any | October 23, 1998 |
| 4) Rebuttal testimony and exhibits | November 2, 1998 |
| 5) Prehearing Statements | November 6, 1998 |
| 6) Prehearing Conference | November 16, 1998 |
| 7) Hearing | December 8 (and 9 if necessary), 1998 |
| 8) Briefs | January 8, 1999 |

Discovery

Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by December 1, 1998.

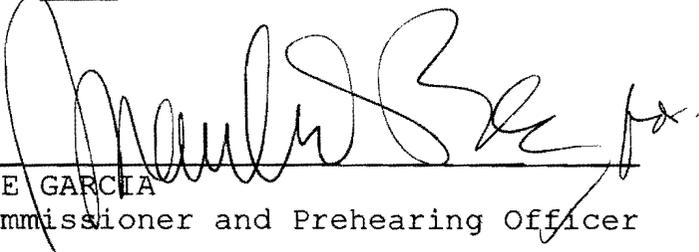
Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the controlling dates and date for completion of discovery set forth in Order No. PSC-98-0483-PCO-SU are hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-98-0483-PCO-SU is hereby reaffirmed in all other respects.

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By ORDER of Commissioner Joe Garcia, as Prehearing Officer,
this 6th day of July, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)

RRJ

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.

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 25-22.038(2), 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

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review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.