

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
amendment of Certificate No.
247-S to extend service area by
the transfer of Buccaneer
Estates in Lee County to North
Fort Myers Utility, Inc.

DOCKET NO. 981781-SU
ORDER NO. PSC-99-2154-PCO-SU
ISSUED: November 4, 1999

ORDER NOTICING PROCEDURE FOR CONTINUATION OF HEARING

On December 1, 1998, North Fort Myers Utility, Inc., (NFMU or utility) filed an application for amendment of Certificate No. 247-S to extend service area by the transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc. On December 18, 1998, the Commission received a number of letters from customers protesting the application, NFMU's proposed monthly rates, and connection fees. Also, on January 14, 1999, OPC filed a Notice of Intervention pursuant to Section 350.0611, Florida Statutes, which was acknowledged by Order No. PSC-99-0180-PCO-SU, issued January 29, 1999. Accordingly, the hearing on this matter was held on October 13, 1999. The hearing was continued in order to allow the parties an opportunity to prepare oral argument on their positions on the evidence.

Therefore, the hearing in this matter will reconvene at 9:00 a.m., November 16, 1999, prior to the scheduled Agenda Conference on that day. At that time, each party will be given an opportunity to orally argue their positions. Also, the parties may file a written brief on or before November 11, 1999, which may serve either in addition to or in place of their oral arguments. If a brief is filed, it shall comport with the requirements set forth in Prehearing Order No. PSC-99-1786-PHO-SU, issued September 13, 1999.

After the oral argument, the hearing will be recessed so that the scheduled Agenda Conference can take place. At the conclusion of the November 16, 1999 Agenda Conference, the hearing will again reconvene in order to allow Commission staff to present its recommendation on this matter. Pursuant to Rule 25-22.0021, Florida Administrative Code, after staff has made its recommendation, participation in this matter shall be limited to the Commissioners and staff. As stated in the original notice of hearing, the Commission may render a final decision in this from the bench.

DOCUMENT NUMBER-DATE

13584 NOV-4 99

646

FPSC-RECORDS/REPORTING

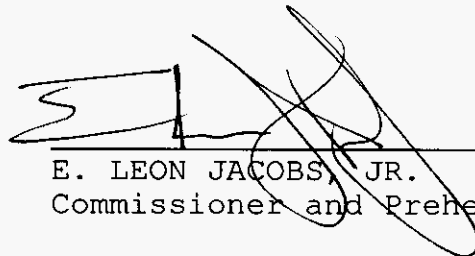
ORDER NO. PSC-99-2154-PCO-SU
DOCKET NO. 981781-SU
PAGE 2

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, 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.

Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 4th day of November, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

JSB/SMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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)

ORDER NO. PSC-99-2154-PCO-SU
DOCKET NO. 981781-SU
PAGE 3

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