

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for rate increase in Bay
County by Bayside Utility Services, Inc.

DOCKET NO. 030444-WS
ORDER NO. PSC-04-1138-PCO-WS
ISSUED: November 17, 2004

ORDER GRANTING MOTION OF BAYSIDE UTILITY SERVICES, INC. TO AMEND
PREFILED DIRECT TESTIMONY

On October 18, 2004, Bayside Utility Services, Inc. (Bayside or utility) filed the prefiled testimony of Steven M. Lubertozi along with the testimony of two other witnesses as required by Order No. PSC-04-0914-PCO-WS, the Order Establishing Procedure. On October 29, 2004, Bayside filed its Motion for Leave to Amend Direct Testimony of Steven M. Lubertozi (Motion), and attached the proposed amended direct testimony. The purpose of the amendment is for Mr. Lubertozi to sponsor the Water Services Corporation Distribution of Expenses Manual for 2002, and to sponsor the rate case expense exhibit, both of which were already on file with this Commission.

In its Motion, Bayside notes that all other parties and staff have been given an extension of time in which to file their prefiled testimony, that the parties were already in possession of the information, and that, therefore, no one would be prejudiced by allowing Bayside to amend such testimony. Moreover, Bayside states that it has contacted all parties of record, and none objected to this Motion.

Based on the above, Bayside's Motion shall be granted, and the amended direct testimony of Steven M. Lubertozi filed on October 29, 2004, shall be allowed.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the Motion of Bayside Utility Services, Inc. for Leave to Amend Direct Testimony of Steven M. Lubertozi is granted, and the amended direct testimony of Steven M. Lubertozi filed on October 29, 2004, shall be accepted as filed.

DOCUMENT NUMBER-DATE

12261 NOV 17 3

FPSC-COMMISSION CLERK

ORDER NO. PSC-04-1138-PCO-WS
DOCKET NO. 030444-WS
PAGE 2

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 17th day of November, 2004.

J. Terry Deason by CHH
J. TERRY DEASON
Commissioner and Prehearing Officer

(SEAL)

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.

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 Director, Division of the Commission Clerk and Administrative Services, 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.