

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-98-0568-PCO-SU
ISSUED: April 23, 1998

ORDER REVISING ORDER ESTABLISHING 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.

On April 14, 1998, Florida Cities Water Company (utility) filed an Amended Motion for Stay Pending Judicial Review and Request for Expedited Treatment. The disposition of that motion will be decided by the Commission at the May 12, 1998 Agenda Conference. Pursuant to Order No. PSC-98-0483-PCO-SU, the utility's testimony should be filed by May 15, 1998. To provide sufficient time to allow the utility to prepare testimony in the event its motion for stay is denied, it is appropriate to revise Order No. PSC-98-0483-PCO-SU to reflect the following revised dates:

Utility testimony - May 29, 1998
Intervenor testimony - June 12, 1998
Staff testimony - June 17, 1998
Rebuttal testimony - June 22, 1998

Based on the foregoing, it is,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Order No. PSC-98-0483-PCO-SU is hereby revised as set forth in the body of this Order. It is further

DOCUMENT NUMBER-DATE

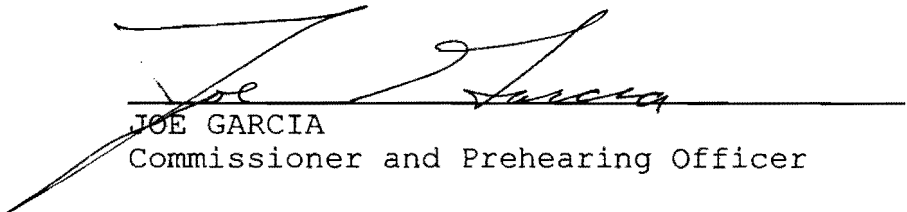
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FPSC RECORDS/REPORTING

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

By ORDER of Commissioner Joe Garcia, as Prehearing Officer,
this 23rd Day of April, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)

RRJ

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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.

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