

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Analysis of Utilities, Inc.'s financial
accounting and customer service computer
system.

DOCKET NO. 120161-WS
ORDER NO. PSC-13-0408-PCO-WS
ISSUED: August 30, 2013

ORDER GRANTING FOURTH JOINT MOTION TO EXTEND
INFORMAL INVESTIGATORY PERIOD

On May 24, 2012, Utilities, Inc. (UI), on behalf of its Florida-subidiaries, and in agreement with the Office of Public Counsel (OPC), filed a petition to open a generic docket to address the protested issue relating to UI's Phoenix Project and other issues raised by OPC. The instant docket was established. In the petition, the parties agreed to a 120-day investigatory period *"in order to meet informally with Commission staff in a good faith effort to resolve or narrow the disputed issues."*

Since the expiration of the 120-day investigatory period, the parties have filed three joint motions to extend the investigatory period. The first joint motion was granted in Order No. PSC-12-0604-PCO-WS, issued on November 6, 2012, extending the period through February 28, 2013. The second joint motion was granted in Order No. PSC-13-0097-PCO-WS, issued February 21, 2013, extending the period from February 28, 2013, to April 30, 2013. The third joint motion was granted by Order No. PSC-13-0202-PCO-WS, issued May 17, 2013, extending the period from April 30, 2013, to June 30, 2013. In Order No. PSC-13-0202-PCO-WS, the parties were cautioned that any additional requests for extension may not be considered reasonable in the future, as the original 120-day investigatory period in this docket has been ongoing since May 2012.

Nevertheless, on June 27, 2013, the parties filed a Fourth Joint Motion to Extend Informal Investigatory Period (Fourth Joint Motion) from June 30, 2013, to September 30, 2013. As in the first three joint motions, the parties sought additional time for UI to respond to additional discovery requests propounded by OPC. The parties professed that the additional time was again necessary to allow the parties to narrow the scope of the issues. Oral argument on the fourth joint motion was noticed and held on August 12, 2013, at which time the parties argued that they had used the extended periods to exchange discovery requests and responses. The parties assured the Commission that they did not believe that any more extensions would be sought as they had neared the end of the investigatory period, although OPC indicated that it may ask UI for additional information based on UI's latest responses. Additionally, the parties asserted that they were not engaged in settlement negotiations and that an evidentiary hearing would be conducted in this matter.

At the oral argument, the parties also requested an oral amendment to their motion to allow for additional time through October 31, 2013, at which time the parties assured the Commission that they would be ready to proceed to the formal hearing process and would not request further extensions of time for the investigatory period. Based upon the parties' amended

request and assurances, the Fourth Joint Motion is hereby granted and the informal investigatory period shall be extended through October 31, 2013. In order to ensure that the parties will be ready to proceed to hearing on this matter, a list of issues shall be filed by the parties in this docket no later than October 14, 2013.

The parties are hereby advised that an additional extension will only be granted upon a showing of extraordinary circumstances outside the control of the parties.

Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Utilities, Inc. and the Office of Public Counsel's Fourth Joint Motion to Extend Informal Investigatory Period is hereby granted, as set forth herein. It is further

ORDERED that the parties are to file a list of issues in this docket no later than October 14, 2013. It is further,

ORDERED that this proceeding is held in abeyance through October 31, 2013.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 30th day of August, 2013.



JULIE I. BROWN
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.