

MEMORANDUM

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March 18, 1997

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FPSU RECORDS REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JAEGER, CYRUS-WILLIAMS)

RE: DOCKET NO. 961076-WS -- Disposition of gross-up funds collected by Hydratech Utilities, Inc. in Martin County

DOCKET NO. 961077-SU - Disposition of gross-up funds collected by Eagle Ridge Utilities, Inc. in Lee County

DOCKET NO. 961237-SU - Disposition of contribution-in-aid-of-construction gross-up funds collected by Forest Utilities, Inc.

0315-PED

Attached is an ORDER REVISING CONTROLLING DATES OF ORDER ESTABLISHING PROCEDURE, to be issued in the above-referenced docket. (Number of pages in Order - 3)

MUST GO TODAY

RRJ/DCW/dp

Attachment

cc: Division of Water and Wastewater (Gilchrist, Johnson)

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filed 4/1
in cited -

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Disposition of gross-up) DOCKET NO. 961076-WS
funds collected by Hydratech)
Utilities, Inc. in Martin)
County.)

In Re: Disposition of gross-up) DOCKET NO. 961077-SU
funds collected by Eagle Ridge)
Utilities, Inc. in Lee County.)

In Re: Disposition of) DOCKET NO. 961237-SU
contribution-in-aid-of-) ORDER NO. PSC-97-0315-PCO-WS
construction gross-up funds) ISSUED: March 24, 1997
collected by Forest Utilities,)
Inc.)

ORDER REVISING CONTROLLING DATES OF ORDER ESTABLISHING PROCEDURE

On February 13, 1997, the controlling dates for these three dockets were established by Order No. PSC-97-0174-PCO-WS. However, on March 7, 1997, Hydratech Utilities, Inc., Eagle Ridge Utilities, Inc., and Forest Utilities, Inc. (utilities), by and through their undersigned attorney, filed their Motion for Revision of Controlling Dates (Motion).

As justification for the revision, the utilities note that another utility, Hudson Utilities, Inc., has recently protested an order involving similar issues, and that all four utilities have met and discussed with staff the potential for settlement of the issues. In order to avoid the substantial cost of preparing for litigation, and to allow time for such negotiations to conclude, the utilities request that approximately a one-month extension be allowed for all controlling dates up to and including the filing of Prehearing Statements. These changes will not affect the dates for the prehearing conference or the final hearing.

Having reviewed the motion, the requested extensions shall be granted as requested, except that the time for the filing of Prehearing Statements shall only be extended to June 9, 1997, and not the requested June 13, 1997.

Controlling Dates

Pursuant to the Motion of the utilities, the following dates have been revised to govern the key activities of this case.

- 1) Utilities' direct testimony and exhibits

April 27, 1997

DOCKET NO. 961076-WS

03062 PSC-97-0315-PCO-WS

FPCO-REG-97-0315-PCO-WS

ORDER NO. PSC-97-0315-PCO-WS
DOCKETS NOS. 961076-WS, 961077-SU, 961237-SU
PAGE 2

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| 2) Intervenor's direct testimony
and exhibits | May 8, 1997 |
| 3) Staff's direct testimony
and exhibits, if any | May 23, 1997 |
| 4) Rebuttal testimony
and exhibits | June 6, 1997 |
| 5) Prehearing Statements | June 9, 1997 |

All other provisions and dates set forth in Order No. PSC-0174-PCO-WS are hereby reaffirmed.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission. It is further

ORDERED that the Motion for Revision to Controlling Dates filed by Hydratech Utilities, Inc., Eagle Ridge Utilities, Inc., and Forest Utilities, Inc., shall be granted to the extent set forth in the body of this Order. It is further

ORDERED that the controlling dates shall be revised as set forth in the body of this Order. It is further

ORDERED that the provisions and other dates set forth in Order No. PSC-97-0174-PCO-WS are hereby reaffirmed.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 24th day of March, 1997.



J. TERRY DEASON, 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 25-22.0376, 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.