

MEMORANDUM

JULY 22, 1997

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CAPELESS) *MSC*

RE: DOCKET NO. 961321-WS - APPLICATION FOR CERTIFICATES TO PROVIDE WATER AND WASTEWATER SERVICE IN CLAY COUNTY BY POINT WATER AND SEWER, INC.

psc - 97-0588-pcd-WS

Attached is an ORDER GRANTING JOINT EMERGENCY MOTION FOR CONTINUANCE to be issued in the above referenced docket. (Number of pages in Order - 3)

MUST GO TODAY

see 1

RGC:mw

Attachment

cc: Division of Water & Wastewater (Brady, Redemann)

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*boxed
unfiled
mailed
7/28*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificates to provide water
and wastewater service in Clay
County by Point Water and Sewer,
Inc.

DOCKET NO. 961321-WS
ORDER NO. PSC-97-0888-PCO-WS
ISSUED: July 28, 1997

ORDER GRANTING JOINT EMERGENCY MOTION FOR CONTINUANCE

On November 4, 1996, Point Water and Sewer, Inc. (PWS or utility), filed an application for certificates to provide water and wastewater service in Clay County. On November 22, 1996, the Point Property Owners Association, Inc. (PPOA), objected to PWS's application. Accordingly, the matter is currently scheduled for a customer service hearing on July 31, 1997, and a hearing on August 1, 1997. The discovery completion date is July 23, 1997. A prehearing conference was held on July 8, 1997, during which a ruling was made permitting PWS to file, within ten days, the deposition testimony of two adverse witnesses, Ms. Lori Easterling and Mr. Frank Kasper.

On July 15, 1997, PWS and PPOA filed a Joint Emergency Motion for Continuance of the hearing for a period of no less than sixty days in order to allow them time to pursue a negotiated settlement of this matter. The parties further request an extension of time for PWS to file the testimony of the above-named adverse witnesses for thirty days, through and including August 14, 1997, and a continuance of the discovery completion date.

Having reviewed the motion, I find it appropriate to grant the parties' request for continuance to allow them time to settle their dispute. Accordingly, the hearing on this matter is hereby continued for a period of at least sixty days, after which time, if no settlement has been reached, the hearing will be rescheduled and a subsequent order issued revising the dates for key activities in the case. The discovery completion date is also continued, and will be rescheduled, if necessary, for one week prior to the new hearing date. The parties shall notify the Commission of the status of this matter at the end of the sixty days so that appropriate action may be taken. The adverse witness testimony of Ms. Lori Easterling and Mr. Frank Kasper shall be filed by August 15, 1997. Any intervenor and/or staff testimony in response thereto shall be filed by August 29, 1997.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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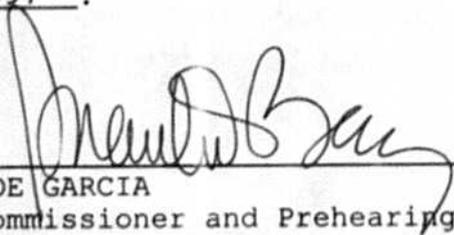
Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Joint Emergency Motion for Continuance of Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., is hereby granted as set forth in the body of this Order. It is further

ORDERED that the adverse witness testimony of Ms. Lori Easterling and Mr. Frank Kasper shall be filed by August 15, 1997, and any intervenor and/or staff testimony shall be filed in response thereto by August 29, 1997. It is further

ORDERED that Point Water and Sewer, Inc., and the Point Property Owners Association, Inc., shall notify the Commission of the status of this matter within sixty days of the issuance date of this Order so that appropriate action may be taken.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 28th day of July, 1997.



JOE GARCIA asst. to
Commissioner and Prehearing Officer

(S E A L)

RGC

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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, 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.