

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of DEBARY)	DOCKET NO. 890792-WS
ASSOCIATES, INC. for staff-assisted)	ORDER NO. 22836
rate case in Volusia County)	ISSUED: 4-18-90
)	

ORDER GRANTING EXTENSIONS OF TIME
TO PREFILE TESTIMONY

On June 13, 1989, DeBary Associates, Inc. (DeBary) filed an application for a staff-assisted rate case. Its application was approved by letter dated July 10, 1989.

By Order No. 22569, issued February 19, 1990, this Commission proposed to establish increased rates for water and wastewater service.

On March 12, 1990, the Office of Public Counsel (OPC) filed a protest of Order No. 22560. Pursuant to OPC's protest, this case is set for an administrative hearing on June 25 and 26, 1990, with a prehearing conference to be held on June 4, 1990.

By Order No. 22716, issued March 21, 1990, a schedule was established to govern the key activities in this case. Pursuant to Order No. 22716, DeBary was to prefile its direct testimony and exhibits on or before April 12, 1990.

On April 10, 1990, DeBary filed a motion for an extension of time to prefile its direct testimony and exhibits. In its motion, DeBary first suggests that OPC's petition on Order No. 22569 does not provide any meaningful guidance regarding OPC's problem(s) with Order No. 22569. DeBary also argues that, until recently, it appeared likely that this case would be settled. Accordingly, in the interest of administrative economy, DeBary contends that it did not begin preparing its case until it became apparent that the settlement was no longer very likely. DeBary also states that, since this proceeding has proceeded as a staff-assisted case up until this time, it did not obtain counsel until April 9, 1990. DeBary argues further that ". . . testimony and exhibits cannot be adequately prepared in four [sic] days." Finally, DeBary argues that no other party will be prejudiced in any way if the extension is granted, since there will still be three weeks within which to file rebuttal testimony.

OPC has orally represented that it does not oppose DeBary's requested extension so long as OPC is given a like

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amount of additional time to prefile its direct testimony and exhibits.

Upon consideration, it does not appear inappropriate to grant DeBary's request. DeBary shall, therefore, have until May 3, 1990, to prefile its direct testimony and exhibits. OPC shall have until May 24, 1990, to prefile its direct testimony and exhibits.

It is, therefore,

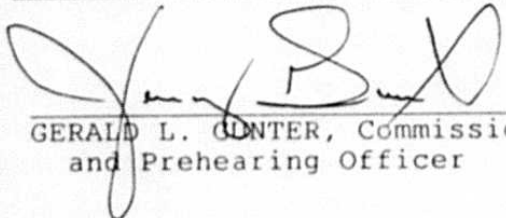
ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that the request by DeBary Associates, Inc. for an extension of time to prefile direct testimony and exhibits is hereby granted, as set forth in the body of this Order. It is further

ORDERED that DeBary Associates, Inc. shall prefile its direct testimony and exhibits no later than May 3, 1990. It is further

ORDERED that the Office of Public Counsel shall prefile its direct testimony and exhibits no later than May 24, 1990. It is further

ORDERED that all other provisions of Order No. 22716 remain unaffected by this Order.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 18th day of APRIL, 1990.


GERALD L. GUNTER, Commissioner
and Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 sewer 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.