

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Applications For An Amendment )  
Of Certificate For An Extension )  
Of Territory And For an Original )  
Water And Wastewater Certificate )  
(for a utility in existence and charging )  
for service) )  
\_\_\_\_\_ )

Docket No. 992040-WS

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**INTERCOASTAL UTILITIES, INC.'S MOTION  
TO CONSOLIDATE DOCKET 992040-WS AND 990696-WS**

Intercoastal Utilities, Inc. ("Intercoastal") hereby files this Motion To Consolidate Docket 992040-WS, and Docket No. 990696-WS, and in support thereof would state and allege as follows:

1. Nocatee Utility Corporation ("NUC") filed an application with this Commission in 1999 seeking a PSC water and wastewater certificate to serve a large area of St. Johns County and a portion of Duval County. That application is currently in litigation (Docket No. 99-0696-WS) and the scheduling of this matter is as reflected in Order No. PSC-99-2428-PCO-WS (attached hereto as Appendix "A"). That Order expressly provided,

In support of their Motion, the parties state that Intercoastal intends to file an application with the Commission during December, 1999 for a multi-county certificate to serve the territory covered by NUC's application. Further, the parties assert that Intercoastal plans to request a consolidation of its application docket with this docket. In light of these anticipated events which will have an effect on this docket, the parties state that it will be beneficial to reschedule the controlling dates in this docket, including the prehearing conference and hearing dates.

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APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
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The Order thereafter indicated that the representations of the parties were well-taken, and that the Joint Motion of Intercoastal and NUC to revise schedule and hearing dates and change controlling dates, would be granted.

2. In late 1999, Intercoastal filed for the necessary PSC certification to serve a large area of St. Johns County and a portion of Duval County. The territory for which NUC has applied is wholly contained within the territory for which Intercoastal has applied.

3. Intercoastal has filed a protest to NUC's application and the schedule of that case is reflected in Appendix "A". While the protest period is not completed for Intercoastal's application, it is anticipated that (in addition to certain letters from customers already received by counsel for Intercoastal) certain parties will protest Intercoastal's application. These parties certainly include, but may not be limited to, NUC and/or the developer which owns and controls NUC and a substantial portion of the territory for which Intercoastal has sought certification. All parties and the staff, as well as the Prehearing Officer, has been aware that Intercoastal's "competing" application was imminent and the schedule in Docket No. 990696-WS was fixed in anticipation that the cases would be consolidated and the two applicants and any intervenors could comply with the schedule appended hereto as Appendix "A."

4. Consolidation of these matters will require the filing of direct testimony by NUC and Intercoastal, in support of their applications, on February 11, 2000. NUC has been aware of this filing date for its direct testimony since the order reflected in

Appendix "A" was entered by the Prehearing Officer. Intercoastal is ready, willing and able to meet the February 11 Direct Testimony deadline.

5. It will promote judicial economy to consolidate these cases. These two cases reflect investor-owned utilities applying for certification for substantial portions of territory in St. Johns and Duval County which significantly overlap. The Nocatee development, for which both Intercoastal and NUC have sought certification, is expected to need substantial and significant water and wastewater service as it develops. Both Intercoastal and NUC are seeking certification to allow each entity to serve the Nocatee development with water, wastewater, and reuse service.

6. Only Intercoastal will be put on a "hurry-up" schedule by the consolidation of these dockets. Intercoastal is ready, willing and able to meet the established February 11, 2000 deadline. Intervenors in either case will thereafter have until March 17, 2000 to file testimony.

WHEREFORE, and in consideration of the above, Intercoastal respectfully requests that Docket Nos. 992040-WS and 990696-WS be consolidated such that they be heard together by the same Commission panel and be bound by the same procedural dates as reflected in Appendix "A."



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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by regular U.S. Mail on this 1<sup>st</sup> day of January, 2000 to the following persons.

Samantha Cibula, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

VIA FAX & U.S. MAIL

Richard D. Melson, Esq.  
Hopping, Green, Sams & Smith, P.A.  
P.O. Box 6526  
Tallahassee, FL 32301

VIA FAX & U.S. MAIL

  
John L. Wharton, Esq.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.	DOCKET NO. 990696-WS ORDER NO. PSC-99-2428-PCO-WS ISSUED: December 13, 1999
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ORDER GRANTING JOINT MOTION TO REVISE SCHEDULE  
AND HEARING DATES AND CHANGING  
CONTROLLING DATES

On June 1, 1999, Nocatee Utility Corporation (NUC or utility) filed an application for original certificates to operate a water and wastewater utility in Duval and St. Johns Counties. On June 30, 1999, Intercoastal Utilities, Inc. (Intercoastal) timely filed a protest to NUC's application and requested a hearing. Accordingly, this matter was set for an administrative hearing.

By Order No. PSC-99-1764-PCO-WS (Order Establishing Procedure), issued September 9, 1999, controlling dates were established in this docket. Pursuant to Order No. PSC-99-1934-PCO-WS, issued September 29, 1999, testimony filing dates were changed. Currently, NUC's direct testimony is due on December 10, 1999, and the prehearing conference and hearing dates are scheduled for April 3, 2000, and May 9 and 10, 2000, respectively.

On November 23, 1999, NUC and Intercoastal filed a Joint Motion to Revise Schedule and Hearing Dates. In support of their motion, the parties state that Intercoastal intends to file an application with the Commission during December 1999 for a multi-county certificate to serve the territory covered by NUC's application. Further, the parties assert that Intercoastal plans to request the consolidation of its application docket with this docket. In light of these anticipated events which will have an affect on this docket, the parties state that it will be beneficial to reschedule the controlling dates in this docket, including the prehearing conference and hearing dates.

Intercoastal's intent to file its own application to service the territory covered by NUC's application along with a motion to consolidate its application docket with this docket has a potential impact on this proceeding that justifies a change in the filing and hearing dates. Thus, NUC and Intercoastal's joint motion is reasonable, and it is hereby granted. The Chairman's Office has concurred with the change in the hearing dates. The following revised dates shall govern this case.

Appendix "A"

- |  |                   |
|--|-------------------|
| 1) Company's direct testimony and exhibits       | February 11, 2000 |
| 2) Intervenor's direct testimony and exhibits    | March 17, 2000    |
| 3) Staff's direct testimony and exhibits, if any | April 17, 2000    |
| 4) Rebuttal testimony and exhibits               | May 12, 2000      |
| 5) Prehearing statements                         | June 2, 2000      |
| 6) Prehearing conference                         | July 10, 2000     |
| 7) Hearing                                       | August 9-10, 2000 |
| 8) Briefs  | September 6, 2000 |

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Nocatee Utility Corporation and Intercoastal Utilities, Inc.'s Joint Motion to Revise Schedule and Hearing Dates is hereby granted as set forth in the body of this Order. It is further

ORDERED that the dates for filing testimony and prehearing statements and the dates for the prehearing conference and hearing are hereby changed as set forth in the body of this Order.

ORDER NO. PSC-99-2428-PCO-WS  
DOCKET NO. 990696-WS  
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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 13th Day of December, 1999.

/s/ J. Terry Deason  
J. TERRY DEASON  
Commissioner and Prehearing Officer

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( 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 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.