

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for declaratory) DOCKET NO. 930695-WS
statement of lack of) ORDER NO. PSC-94-1426-PCO-WS
jurisdiction of Florida Public) ISSUED: November 21, 1994
Service Commission or,)
alternatively, request for)
formal hearing concerning)
conduct of GENERAL DEVELOPMENT)
UTILITIES, INC., by CHARLOTTE)
COUNTY.)
_____)

ORDER GRANTING MOTION FOR STAY

On July 15, 1993 Charlotte County (County) filed a Complaint For Declaratory Judgment of Lack of Jurisdiction or, Alternatively, Request for Formal Hearing. On August 9, 1993, General Development Utilities, Inc. (GDU) filed a Request for Declaratory Statement Regarding Jurisdiction. By Order No. PSC-94-0445-FOF-WU, issued April 13, 1994, the Commission denied the County's complaint for declaratory judgment and granted GDU's petition for declaratory statement. The docket was left open for the purpose of processing the County's complaint that GDU improperly charged it for water service.

On May 16, 1994, the County filed a petition for a writ of certiorari. On June 17, 1994, the County filed a motion for stay pending appellate review. According to the County, it would be administratively inefficient to proceed with processing the County's complaint when the issue of this Commission's jurisdiction over the subject matter is on appeal. On June 22, 1994, GDU joined in the County's motion for stay.

The Prehearing Officer agrees that proceeding with this case while the Commission's jurisdiction over the subject matter is on appeal could result in a duplication of efforts. The motion for stay is, therefore, granted.

It is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that Charlotte County's motion for stay pending appeal is granted.

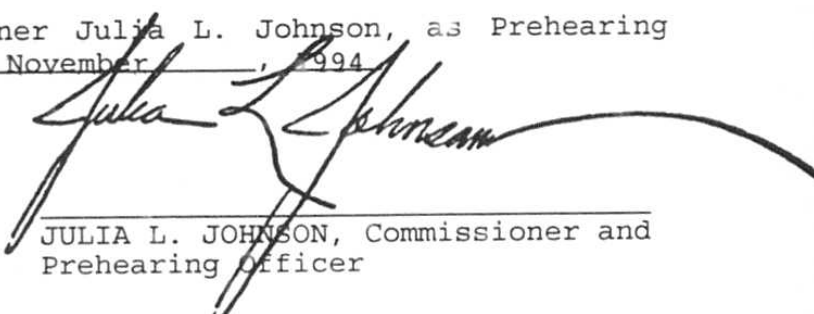
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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 21st day of November, 1994.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

RJP

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.