

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for	)	DOCKET NO. 921237-WS
Amendment of Certificates Nos.	)	
298-W and 248-S in Lake County	)	
by JJ'S MOBILE HOMES, INC.	)	
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In Re: Investigation Into	)	DOCKET NO. 940264-WS
Provision of Water and	)	ORDER NO. PSC-94-1564-PCO-WS
Wastewater Service by JJ'S	)	ISSUED: December 15, 1994
MOBILE HOMES, INC. to its	)	
Certificated Territory in Lake	)	
County.	)	

ORDER DENYING MOTION TO TOLL TIME  
AND MOTION FOR CLARIFICATION

This Order addresses JJ's Mobile Homes Inc.'s (JJ's or utility) Motion to Toll Time and Motion for Clarification of Order No. PSC-94-1266-PCO-WS. Each motion is addressed separately below.

JJ's Mobile Homes Inc.'s Motion to Toll Time

Order No. PSC-94-1202-PCO-WS, issued September 30, 1994, required JJ's to produce documents requested by OPC in the course of discovery. The discovery request concerned the financial statements of the utility's president and primary shareholder, Jordan Hypes. On October 6, 1994, an emergency motion for continuance was filed in this docket. On that same date, JJ's filed a Motion to Toll Time to suspend all motions until the Prehearing Officer heard the motion to continue. In its motion, JJ's requests that filing on all outstanding motions be suspended until the motion to continue can be addressed. JJ's requested that if the motions are not rendered moot, the parties should be given reasonable time to file motions on any outstanding orders. On October 13, 1994, Order No. PSC-94-1266-PCO-WS was issued, cancelling the October 13-14, 1994, hearing.

The Office of Public Counsel (OPC) filed a response to JJ's motion to toll time on October 17, 1994. OPC asserts that the motion is now moot since the Prehearing Officer issued Order No. PSC-94-1266-PCO-WS. That order cancelled the October 13-14, 1994, hearing and stayed all discovery for sixty days from the date of the order. OPC also avers that the time for filing a motion for reconsideration is passed, and JJ's should be required to comply with Order No. PSC-94-1202-PCO-WS.

Order No. PSC-94-1266-PCO-WS, issued on October 13, 1994, renders the utility's motion to toll time moot. In that order, it was noted that all outstanding motions filed prior to the motion for continuance would be ruled upon. Therefore, while the order

DOCUMENT NUMBER-DATE

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stayed discovery on a going forward basis, it was clear that any outstanding motions and obligations would not be tolled.

However, while it was pending, JJ's motion did, in effect, toll the time period for further action on Order No. PSC-94-1202-PCO-WS, Therefore, while JJ's motion is hereby denied, the utility shall have the opportunity to comply with the order or seek any other action regarding that order. Order No. PSC-94-1202-PCO-WS was issued September 30, 1994, and JJ's motion was filed six days later. Therefore, JJ's shall have 11 days from the date of this Order to comply or file a motion for reconsideration.

JJ's Mobile Homes, Inc.'s Motion for Clarification

JJ's filed a Motion for Clarification of Order No. PSC-94-1266-PCO-WS, on November 8, 1994. In its Motion, JJ's requested that the Prehearing Officer to clarify the statement: "discovery in this matter shall be stayed for sixty days from the date of" Order No. PSC-94-1266-PCO-WS. JJ's specific request concerns whether the statement includes all responses due during the stay period, or if it should respond to those responses due.

Subsequently, on November 18, 1994, OPC filed a Response in Opposition to Motion for Clarification of Order No. PSC-94-1266-PCO-WS. OPC asserts that JJ's Motion for Clarification is in actuality, a Motion for Reconsideration. OPC asserts that JJ's is just asking that the Prehearing Officer impose additional limitations on docket activities.

Order No. PSC-94-1266-PCO-WS properly reflects the Prehearing Officer's decision in this docket and adequately explains the rationale. The Order states on page 2 that discovery in this matter shall be stayed from the date of the order. However, the order states that any pending motions will be resolved by the Prehearing Officer. Any response to orders or motions issued prior to the continuance or issued after the continuance regarding a previously filed motion is not stayed. No further explanation is necessary. This Order addresses all of the outstanding motions, and in one case allows the utility to file a motion for reconsideration of a previously issued order. Therefore, JJ's Motion for Clarification is hereby denied.

Based upon the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that JJ's Mobile Home Inc's Motion to Toll Time is hereby denied. It is further

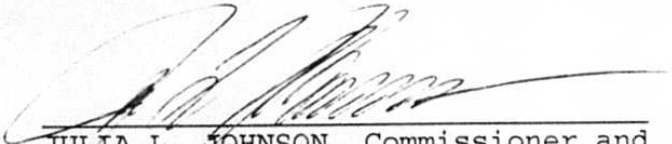
ORDERED that JJ's Mobile Homes Inc. shall produce those documents it was ordered to produce in Order No. PSC-94-1202-PCO-

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WS, or file a motion for reconsideration within eleven (11) days of this Order. It is further

ORDERED that JJ's Mobile Homes Inc.'s Motion for Clarification is hereby denied.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th day of December, 1994.



JULIA L. JOHNSON, Commissioner and  
Prehearing Officer

( S E A L )

MSN/MEO

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.