

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In Re: Application for<br>amendment of Certificates Nos.<br>298-W and 248-S in Lake County<br>by JJ's Mobile Homes, Inc.                                    | ) DOCKET NO. 921237-WS<br>)<br>)<br>)<br>)<br>)   |
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| In Re: Investigation into<br>provision of water and<br>wastewater service by JJ's<br>Mobile Homes, Inc. to its<br>certificated territory in Lake<br>County. | ) DOCKET NO. 940264-WS<br>) ORDER NO. PSC-96-0662-FOF-WS<br>) ISSUED: May 10, 1996<br>)<br>)<br>)<br>)<br>)<br>)<br>) |

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER GRANTING JJ'S MOTION FOR EXTENSION OF TIME  
IN WHICH TO FILE PROPOSED AGREEMENT MODIFYING BULK RATE

BY THE COMMISSION:

Background

JJ's Mobile Homes, Inc., (JJ's or Utility), is a Class C utility located in Lake County, Florida. On December 7, 1992, the Utility filed an application to amend its water and wastewater certificates to include two parcels of land which were part of the Country Club of Mt. Dora (Country Club). Several parties filed objections to the application.

A formal hearing was held in this matter on May 11, 1995, in Leesburg, and on May 12, 1995, in Mount Dora. In Order No. PSC-95-1319-FOF-WS, issued October 30, 1995, this Commission made findings as to the correction of JJ's service territory description, the utility's quality of service, and the impact of Chapter 180, Florida Statutes. We also required JJ's to file a proposed bulk service agreement within 90 days to address concerns over billing for Phase I of the Country Club.

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We found that JJ's had not provided sufficient testimony regarding its commitment to serve its territory, and therefore reserved ruling on several issues. Order No. PSC-95-1423-FOF-WS required JJ's to file a master plan detailing its commitment for plant expansion, and permitted the City of Mt. Dora to file a similar plan. The master plan was filed as part of the parties' testimony on March 1, 1996.

On November 29, 1995, OPC filed a notice of appeal of Order No. PSC-95-1319-FOF-WS to the First District Court of Appeal. On January 16, 1996, the First District Court of Appeal issued an order acknowledging OPC's voluntary withdrawal of appeal and dismissing the appeal.

JJ's did not file a proposed bulk service agreement within 90 days as required by Order No. PSC-95-1319-FOF-WS. On March 15, 1996, JJ's filed a motion for extension of time to file the agreement. A formal hearing is currently scheduled for June 24, 1996, in order to address the remaining issues in this docket. The agreement is not at issue in the upcoming June 24, 1996, hearing.

JJ's motion for extension of time, filed March 15, 1996, requests that we grant an extension until April 12, 1996 for the utility to file the proposed agreement. JJ's states that the failure to file the agreement is premised upon "circumstances beyond the control of JJ's or its counsel" and that an extension of time will not prejudice the public, the Commission, Staff, or the parties.

Order No. PSC-95-1319-FOF-WS issued October 30, 1995, would have made the bulk service agreement due January 28, 1996. OPC's appeal lasted approximately a month and a half, from November 28, 1995, until January 16, 1996. Pursuant to Rule 25-30.061(3)(b), Florida Administrative Code, a public body's appeal of an order not involving an increase in rates, acts as a stay which may be vacated by the Commission. The question of whether OPC's appeal of the final order had tolled Order No. PSC-95-1319-FOF-WS was not discussed in JJ's motion as a factor in its request for an extension of time. We conclude however, that OPC's appeal tolled the time for compliance with the order, and the due date should be considered to be March 17, 1996.

The primary purpose in requiring a new bulk service agreement is to address an inequitable situation for those Country Club

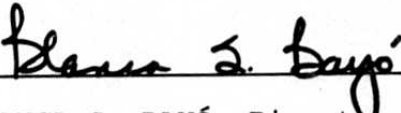
residents receiving service from the Association. The filing of the proposed agreement is only one step in the potential resolution of the current billing situation. Our Staff must review the agreement, present it to us for approval, and then the utility must make a good faith effort to execute the agreement. A delay in filing the proposed agreement delays the review and the possible implementation of the agreement.

On April 12, 1996, JJ's faxed our Staff a copy of a proposed bulk service agreement but did not file it with the Division of Records and Recording. Despite JJ's failure to cite specific reasons for the request of an extension until April 12, 1996, and its failure to file the agreement by April 12, 1996, we will grant its request and allow the Utility until April 17, 1996 to file the agreement so that no further requests by JJ's will be necessary. However, the utility is placed on notice that the agreement must be filed by April 17, 1996, and put on further notice that any future delays in the resolution of this matter will not be tolerated.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that JJ's Mobile Homes, Inc.'s Extension of Time in Which to File Proposed Agreement Modifying Bulk Rate is granted and such agreement must be filed by April 17, 1996.

By ORDER of the Florida Public Service Commission, this 10th day of May, 1996.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )  
RKA/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.