

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of BOARD OF SUMTER)	DOCKET NO. 870060-WS
COUNTY COMMISSIONERS declaring Sumter)	
County, Florida, subject to)	ORDER NO. 22738
jurisdiction of Florida Public Service)	
Commission)	ISSUED: 3-27-90
_____)	

ORDER CANCELLING HEARING AND PREHEARING CONFERENCE

On January 13, 1987, the Board of County Commissioners for Sumter County adopted a resolution, pursuant to Section 367.171, Florida Statutes, declaring all privately owned water and wastewater utilities in that county subject to this Commission's jurisdiction. By order No. 17207, issued February 18, 1987, this Commission acknowledged the jurisdictional transfer and directed all water and wastewater utilities to register with this Commission so that we might evaluate their regulatory status.

Florilow, Inc. (Florilow) is a mobile home and recreational vehicle park in Sumter County which consists of approximately 126 lots. Florilow also provides water and wastewater service within the confines of the park. In April of 1988, Florilow requested that it be found exempt from this Commission's regulation under either the landlord-tenant exemption or the small system exemption, Sections 367.022(5) and (6), Florida Statutes, respectively.

On May 8, 1989, by Order No. 21203, we proposed to reject Florilow's request for a determination that it is exempt from the regulation of this Commission. By letter dated June 17, 1989, Florilow protested Order No. 21203. Pursuant to Florilow's protest, this case is set for an administrative hearing on April 11, 1990, with a prehearing conference to be held on March 26, 1990.

On February 12, 1990, Florilow prefiled testimony in favor of its position. Following its receipt and review of Florilow's testimony, the Staff of this Commission (Staff) suggested that, since there do not appear to be any issues of material fact in controversy in this case, it would be appropriate to treat this case as a Section 120.57(2), Florida Statutes, proceeding. In addition, Staff suggested that

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Florilow consider requesting cancelation of the hearing and prehearing conference in this case and submitting this matter for the Commission's consideration based upon the record as it stands now: Florilow's prefiled testimony.

By letter dated March 20, 1990, Florilow agreed that it would not be in its best interest to hold a prehearing [Section 120.57(1), Florida Statutes] and hearing on this matter.

Based upon the discussion above, and after consultation with the Chairman of this Commission, the prehearing conference and hearing, currently scheduled for March 26 and April 11, 1990, respectively, are hereby cancelled.

It is, therefore,

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that the prehearing conference and hearing, currently scheduled for March 26 and April 11, 1990, respectively, are hereby cancelled. It is further

ORDERED that the rest of the case schedule shall remain unaffected by this Order.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 27th day of MARCH, 1990.


GERALD L. GUNTER, Commissioner
and Prehearing Officer

(S E A L)

RJP

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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.