

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921237-WS
Amendment of Certificates Nos.) ORDER NO. PSC-93-1724-PCO-WS
298-W and 248-S in Lake County) ISSUED: 12/02/93
by JJ'S MOBILE HOMES, INC.)
_____)

ORDER GRANTING MOTION TO JOIN GEORGE WIMPEY OF FLORIDA, INC.
AS AN INDISPENSABLE PARTY AND
GRANTING MOTION TO CONTINUE CONTROLLING DATES
GOVERNING THE KEY ACTIVITIES OF THIS CASE

Motion to Join Wimpey Granted

By Motion filed November 9, 1993, the Commission Staff (Staff), through counsel, moved to include George Wimpey of Florida, Inc. (Wimpey) as an indispensable party in this matter. In support of its Motion Staff stated that the determination of the issues of this case could not be adequately addressed without the participation of Wimpey. Staff further stated that the substantial interests of Wimpey will be affected by the proceedings in the docket.

In its response, Wimpey has supported the grounds of Staff's Motion and affirmed that the Company's substantial interests will be affected. In effect, Wimpey's response serves as a request for intervention in this Docket. No response in opposition to the Motion has been filed.

Having reviewed the Motion, it appears that the substantial interests of George Wimpey of Florida, Inc. may be affected by this proceeding, and that Wimpey's participation in this hearing is essential to the determination of the case. Therefore, the Motion should be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Wimpey takes the case as it finds it.

Motion to Continue Granted

Order No. PSC-93-1477-PCO-WS, issued on October 11, 1993, reestablished controlling dates in this docket and reaffirmed in other respects Orders Nos. PSC-93-0147-PCO-WS and PSC-93-0217-PCO-WS. This docket was originally set for hearing on April 26, 1993. The proceedings were suspended upon motion of OPC in order to allow time for the parties to negotiate the sale of the utility and settle the matter without need for further proceedings. The parties did not reach agreement and the proceedings were resumed.

DOCUMENT NUMBER-DATE

12820 DEC-1 93

FILED-RECORDS/REGISTRATION

ORDER NO. PSC-93-1724-PCO-WS
DOCKET NO. 921237-WS
PAGE 2

The hearing in this matter is currently set for December 15, 1993, with a prehearing conference scheduled for December 3, 1993.

On November 24, 1993, JJ's filed a Motion to Continue Controlling Dates, requesting an indefinite continuance of the dates in this proceeding with a new schedule, if necessary, to be established after March 1, 1994. In its motion, JJ's notes that Wimpey may be included as a party in this matter, and raises concerns about the timelines needed in order to allow for discovery and the filing of testimony and rebuttal testimony. Furthermore, JJ's states that "negotiations appear probable to result in the sale of the Utility system" and that such a sale would render this proceeding unnecessary. The City of Mt. Dora, Office of Public Counsel, George Wimpey of Florida, Inc., and homeowner Leon Bibb have all agreed that a postponement of the proceedings would be beneficial.

Because of the relatively late inclusion of Wimpey in this Docket as well as the potential sale of the utility, It is appropriate to continue the hearing schedule in order to provide sufficient time for the on-going negotiations for the sale of the utility and to allow parties to have adequate time for discovery related to Wimpey. This matter has already been continued once in order to effectuate the sale of the utility. If the negotiations are not consummated by a contract of sale by March 1, 1994, a new order rescheduling key activities for this proceeding will be issued immediately after that date. The new schedule will be established as expeditiously as possible, based on the Commission's calendar. All key activities scheduled to take place after the issuance of this order will be suspended. Discovery may proceed during the period of abatement.

It is, therefore,

ORDERED by Commissioner Luis J. Lauredo, as Prehearing Officer, that the motion to include George Wimpey of Florida, Inc. as an indispensable party, and the response filed by George Wimpey of Florida, Inc., are hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to John L. Di Masi, Esquire and Howard S. Marks, Esquire, Post Office Box 1690, Winter Park, Florida, 32790-1690. It is further

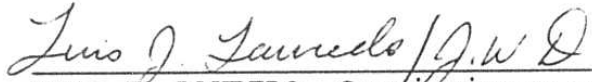
ORDER NO. PSC-93-1724-PCO-WS
DOCKET NO. 921237-WS
PAGE 3

ORDERED that the Applicant's Motion to Continue Controlling Dates is granted as set forth above. It is further

ORDERED that Orders Nos. PSC-93-0147-PCO-WS, PSC-93-0217-PCO-WS, and PSC-93-1477-PCO-WS are hereby revised as set forth in the body of this Order. It is further

ORDERED that Orders Nos. PSC-93-0147-PCO-WS, PSC-93-0217-PCO-WS, and PSC-93-1477-PCO-WS are reaffirmed in all other respects.

By ORDER of Commissioner Luis J. Lauredo, as Prehearing Officer, this 1st day of December, 1993.



LUIS J. LAUREDO, Commissioner and
Prehearing Officer

(S E A L)

MO

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

ORDER NO. PSC-93-1724-PCO-WS
DOCKET NO. 921237-WS
PAGE 4

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.