



8. NAI and Staff will arrange a mutually convenient time for mediation but no later than 30 days from the date of this Order.
9. NAI and Staff shall schedule one full work day for the mediation.
10. The mediator shall at all times be in control of the mediation and procedures to be followed in the mediation. Counsel shall be permitted to communicate privately with their clients. In the discretion of the mediator and with the agreement of the parties, mediation may proceed in the absence of counsel.
11. If no agreement is reached between Staff and NAI, the mediator shall report the lack of agreement to the Prehearing Officer without comment or recommendation. With the consent of Staff and NAI, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or any other action by any party which, if resolved or completed, would facilitate the possibility of settlement.
12. If an agreement is reached, it shall be reduced to a memorandum of understanding stipulating the proposed terms of the settlement. The proposed settlement shall be submitted to the Commission for approval as soon as practical.

It is, therefore,

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that the dispute in these dockets are referred to mediation between NAI and Staff as described in the body of this Order.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 6th day of April, 1995.

  
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SUSAN F. CLARK, Chairman and  
Prehearing Officer

( S E A L )

LMB

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.