

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in Highlands County by The Woodlands of Lake Placid, L.P.

DOCKET NO. 020010-WS

In re: Application for certificates to operate a water and wastewater utility in Highlands County by The Woodlands of Lake Placid, L.P., and for deletion of portion of wastewater territory in Certificate No. 361-S held by Highlands Utilities Corporation.

DOCKET NO. 990374-WS  
ORDER NO. PSC-03-0156-PCO-WS  
ISSUED: January 30, 2003

ORDER GRANTING MOTION TO AMEND PETITION FOR  
FORMAL ADMINISTRATIVE HEARING

On December 30, 2002, Highvest Corporation (Highvest) and L.P. Utilities Corporation (L.P.), filed a Petition for Formal Administrative Hearing with regard to Commission Order No. PSC-02-1739-PAA-WS. On January 8, 2003, Highvest and L.P. filed a Motion to Amend Petition for Formal Administrative Hearing, seeking to add an additional issue regarding the imputation of revenue for the cost of water and wastewater billed to the Woodlands of Lake Placid, L.P. for rental lots. No response to the Motion was filed.

Rule 28-106.202, states that "[t]he petitioner may amend the petition after the designation of the presiding officer only upon order of the presiding officer." The longstanding policy in Florida, and of this Commission in particular, is to allow pleadings to be freely amended so that disputes may be resolved on their merits. See Adams v. Knabb Turpentine Co., 435 So. 2d 944, 946 (Fla. 1st DCA 1983); see also Order No. PSC-01-1168-PCO-TP, issued May 22, 2001 in Docket No. 010098-TP.

I note that this proceeding is still in its early stages, and no testimony has yet been filed. It does not appear that any party will be unduly prejudiced by the amendment. I further note that none of the procedural time frames established in the Order

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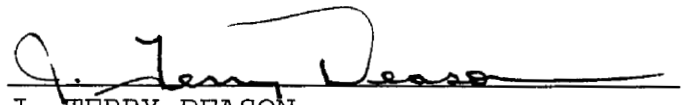
ORDER NO. PSC-03-0156-PCO-WS  
DOCKETS NOS. 020010-WS, 990374-WS  
PAGE 2

Establishing Procedure, Order No. PSC-03-0110-PCO-WS, will be affected by granting the Motion. Accordingly, Highvest's and L.P.'s Motion to Amend Petition for Formal Administrative Proceeding is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason as Prehearing Officer, that the Motion to Amend Petition for Formal Administrative Proceeding is granted.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 30th day of January, 2003.

  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

LDH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

ORDER NO. PSC-03-0156-PCO-WS  
DOCKETS NOS. 020010-WS, 990374-WS  
PAGE 3

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 the Commission Clerk and Administrative Services, 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.