

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of MALABAR WOODS )  
 UTILITIES, INC. for water and sewer )  
 certificates in Brevard County, )  
 Florida )  
 \_\_\_\_\_ )

DOCKET NO. 890694-WS  
 ORDER NO. 21898  
 ISSUED: 9-15-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER GRANTING MOTION  
FOR EXTENSION OF TIME

BY THE COMMISSION:

On July 31, 1989, this Commission issued Order No. 21641, granting Malabar Woods Utilities, Inc. (Malabar Woods or Utility) Certificates Nos. 521-W and 455-S to provide service to territory in Brevard County, Florida. That Order also granted Malabar's request for extension of time until July 31, 1989, to file additional information needed for the establishment of rates and charges.

On July 19, 1989, Malabar Woods filed a Motion for Extension of Time to File Information Regarding Initial Rates and Charges. In its Motion, the Utility requested an additional 45 days (until September 14, 1989) to file the additional information. In support of its request, Malabar Woods stated that the property to which it proposes to provide water and sewer service has recently been sold. Since the new owner has not drawn up development plans, the Utility has been unable to accurately estimate the initial cost of constructing the facilities needed to serve the territory. We find Malabar Woods' argument to be persuasive and, therefore, grant the extension of time requested in the Motion.

It is, therefore,

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FPSC-RECORDS/REPORTING

ORDER NO. 21898  
DOCKET NO. 890694-WS  
PAGE 2

ORDERED by the Florida Public Service Commission that Motion for Extension of Time to File Information Regarding Initial Rates and Charges is hereby granted. Malabar Woods Utilities, Inc. shall file the additional information needed by this Commission to establish rates and charges by close of business on September 14, 1989. It is further

ORDERED that Docket No. 890694-WS shall remain open to establish rates and charges for Malabar Woods Utilities, Inc.

By ORDER of the Florida Public Service Commission this 15th day of SEPTEMBER, 1989.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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by: Kay Flynn  
Chief, Bureau of Records

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

ORDER NO. 21898  
DOCKET NO. 890694-WS  
PAGE 3

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.