

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of	)	DOCKET NO. 881500-WS
Certificates Nos. 362-W and 317-S from	)	ORDER NO. 22876
BEACON TWENTY-ONE DEVELOPMENT CORP-	)	ISSUED: 4-30-90
ORATION to LANIGER ENTERPRISES OF	)	
AMERICA, INC. in Martin County	)	

ORDER CONTINUING CASE SCHEDULE

By Order No. 22203, issued November 21, 1989, this Commission approved the transfer of Certificates Nos. 362-W and 317-S from Beacon 21 Development Corporation to Laniger Enterprises of America, Inc. (Laniger). Also by Order No. 22203, we proposed to establish the transfer rate base for the utility systems as the new book value of the systems as of the date of the transfer. In so doing, we proposed to disregard, for ratemaking purposes, a negative acquisition adjustment of \$95,317.

On December 12, 1989, the Office of Public Counsel (OPC) filed a protest to Order No. 22203, specifically with regard to that portion by which we proposed to disregard the negative acquisition adjustment. Accordingly, this matter was set for an administrative hearing on May 4, 1990, with a prehearing conference to be held on April 25, 1990.

After a number of discussions between Laniger, OPC and Staff, on March 23, 1990, OPC and Laniger filed a Joint Motion For Approval of Settlement. The proposed settlement was originally scheduled to be considered at the April 17, 1990 Agenda Conference; however, circumstances did not permit us to consider the proposed settlement at that time. The proposed settlement is currently scheduled to be considered at the May 1, 1990 Agenda Conference.

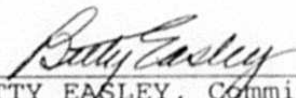
Since, pursuant to the current case schedule, the prehearing conference is scheduled for six days before and the hearing for three days after we are due to consider the proposed settlement, in the interest of administrative efficiency and economy, and due to an unavoidable scheduling conflict, the Prehearing Officer, with the consent of the Chairman, finds it appropriate to continue the case schedule until this Commission has had an opportunity to pass on the proposed settlement.

ORDER NO. 22876  
DOCKET NO. 881500-WS  
PAGE 2

It is, therefore,

ORDERED by Betty Easley, as Prehearing Officer, that the current case schedule be and is hereby suspended pending this Commission's consideration of the proposed settlement between the Office of Public Counsel and Laniger Enterprises of America, Inc.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 30th day of APRIL, 1990.

  
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BETTY EASLEY, Commissioner and  
Prehearing Officer

( S E A L )

RJP

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

ORDER NO. 22876  
DOCKET NO. 881500-WS  
PAGE 3

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.