

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 911030-WS
increase by GENERAL DEVELOPMENT)
UTILITIES, INC. (Port Malabar)
Division) in Brevard County)
_____)

In re: Application for a rate) DOCKET NO. 911067-WS
increase by GENERAL DEVELOPMENT)
UTILITIES, INC. in Charlotte,) ORDER NO. PSC-92-0896-PCO-WS
DeSoto and Sarasota Counties)
_____) ISSUED: 08/27/92

ORDER GRANTING RECONSIDERATION BY THE PREHEARING OFFICER AND
CONTINUING HEARING

On August 17, 1992, the Office of Public Counsel (OPC) filed a Motion for Reconsideration of Order No. PSC-92-0774-PCO-WS, issued August 7, 1992, rescheduling the hearing in the above-referenced dockets for September 8 through 11, 1992. On August 18, 1992, the Cities of Palm Bay and North Port (the Cities) filed a Motion for Review by the Commission Panel of the Order Rescheduling Hearing. The grounds for these motions are substantially similar. The Cities and OPC seek to have the panel assigned to these pending rate cases review the Prehearing Officer's Order rescheduling the hearing to September 8, 1992. The Cities and OPC seek a continuance of the proceeding until after November 1, 1992, in order to afford the Cities sufficient time to consummate their purchases of the systems. On August 25, 1992, General Development Utilities, Inc. (GDU or the utility) filed a Response to the motions, also supporting a further continuance of the pending rate case. In support of the response, GDU stated that GDU and the Cities are participating in good faith negotiations to finalize the sale of the subject systems. Recognizing the difficulty in finding time on the Commission calendar to reschedule the hearing within the twelve-month statutory period, GDU indicated a willingness to waive the statutory period for sixty days.

Although the movants seek to have Order No. 92-PSC-0774-PCO-WS reconsidered by the panel, it is within the purview of the Prehearing Officer to reconsider her Order. All of the parties, except the Harris Corporation which has not responded to the motions, have asked for this matter to be scheduled at a later time. The Cities and the utility both assert that they are negotiating the transfer of the systems. All parties assert that rescheduling the hearing will avoid unnecessary expenditure of time and money while the Cities and GDU are involved in these negotiations. The concern with continuing this hearing beyond

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FDCC RECORDS (08/27/92)

September is twofold: the statutorily permissible implementation of requested final rates on September 16, 1992, and the Commission's statutory deadline requiring the Commission to take final action on the dockets and enter its final order within twelve months of the official date of filing. The official date of filing in these dockets was established as January 16, 1992, thus the full Commission process must be completed by January 15, 1993, pursuant to Section 367.081(6), Florida Statutes. The Commission calendar cannot accommodate a continuance and still meet this deadline. However, by letter dated August 26, 1992, the utility has offered to waive the twelve-month deadline until June 8, 1993, and to waive the right to implement the requested final rates until June 8, 1993. This waiver of the utility's statutory rights allays both of the concerns discussed above.

Therefore, in consideration of the foregoing, the hearing now scheduled for September 8, 1992, is continued to a later date. Subject to the provisions of Section 367.082(7), Florida Statutes, interim rates, subject to refund, as approved in Order No. PSC-92-0186-FOF-WS will remain in effect until June 8, 1993, or upon implementation of final rates as a result of final Commission action, whichever comes first. The hearing will be rescheduled to meet the June 8, 1993, deadline. Every effort will be made to schedule the hearing to allow for the earliest possible completion of Commission action. The rescheduling of this hearing, as well as the scheduling of remaining pre-trial matters, will be addressed in a separate order.

Based on the decision herein to both reconsider the subject Order and to continue this proceeding, the request for review by the full panel is moot.

It is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Motion For Reconsideration filed by the Office of Public Counsel and the Motion for Review by the Commission Panel of the Order Rescheduling Hearing filed by the Cities of Palm Bay and North Port are hereby granted to the extent set forth in the body of this Order. It is further

ORDERED that interim rates, subject to refund, as approved in Order No. PSC-92-0186-FOF-WS, will remain in effect until June 8, 1993, or upon implementation of the final rates.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 27th day of August, 1992.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

SFC/CB

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 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. 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.