

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for a) DOCKET NO. 930490-EQ
Declaratory Statement Concerning) ORDER NO. PSC-93-1217-PCO-EQ
Sale of Cogenerated Power by) ISSUED: August 23, 1993
South Florida Cogeneration)
Associates to Metropolitan Dade)
County)
_____)

ORDER GRANTING CONTINUANCE

On August 3, 1993, the Commission issued Order No. PSC-93-1130-PCO-EQ establishing the procedure to be followed in the evidentiary hearing scheduled in this docket. Among other things, the order specified the dates on which testimony and exhibits of the parties were to be prefiled, set a prehearing date of September 24, 1993 and established hearing dates of October 11-13, 1993.

On August 9, 1993, Petitioner, Metropolitan Dade County (Metro Dade) filed a Motion for Continuance. In support of its motion, Metro Dade alleged that its witness, Dr. Roy J. Shanker, would not be available during the period October 7-17, 1993. Dr. Shanker submitted an affidavit confirming his unavailability. A second affidavit attached to the motion was prepared by Dade County Assistant County Manager Dennis I. Carter. Mr. Carter stated in his affidavit that Dr. Shanker was an indispensable witness for Dade County and that no other person could be substituted for him, given his knowledge of matters that are the subject of this declaratory statement.

On August 13, 1993 Intervenor, South Florida Cogeneration Associates (SFCA), filed a response to Metro Dade's Motion for Continuance. SFCA opposed the continuance and urged the Commission to proceed with the case, since the matters alleged by Metro Dade had placed an "unwarranted cloud" over the dealings between the parties. SFCA further noted that, in contrast to its current request, Metro Dade had originally asked the Commission for expedited treatment of the declaratory statement. SFCA also questioned the validity of Metro Dade's assertion that Dr. Shanker was the only witness who could testify about the course of dealings between the parties.

On August 16, 1993 following the scheduled oral argument on SFCA's pending Motion to Dismiss, the parties presented their arguments on the Motion for Continuance to the Prehearing Officer. Having reviewed the Motion and attached affidavits of Metro Dade and the response of SFCA, and having heard the arguments of the parties, I conclude that the continuance should be granted.

DOCUMENT NUMBER-DATE

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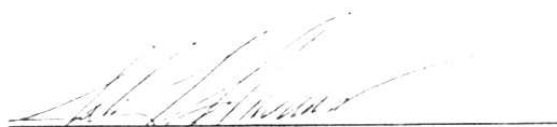
Accordingly, the hearing scheduled in this docket for October 11-13, 1993 is continued to a future date which will be determined after further review of available dates on the Commission's calendar. The dates for prefiling testimony and prehearing statements will be modified according to the new hearing dates, once established.

A prehearing conference in this docket is currently scheduled for September 24, 1993. It will be rescheduled to another date consistence with the future hearing dates. However, the September 24, 1993 date will be reserved for a conference between the prehearing officer and the parties to preliminarily identify and narrow the issues to be considered in this case and to deal with other procedural matters as may be appropriate at that time.

Based on the foregoing it is,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Motion for Continuance filed by Metropolitan Dade County is hereby granted and the hearing scheduled in this case is continued to a future date to be determined by the Commission.

BY ORDER of Commissioner Julia L. Johnson, as Prehearing Officer this 23rd day of August, 1993.



JULIA L. JOHNSON, Commissioner
and Prehearing Officer

(S E A L)

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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.