

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Amendment of Certificates Nos. 298-W and 248-S in Lake County by JJ'S MOBILE HOMES, INC.	)	DOCKET NO. 921237-WS
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In Re: Investigation Into Provision of Water and Wastewater Service by JJ'S MOBILE HOMES, INC. to its Certificated Territory in Lake County.	)	DOCKET NO. 940264-WS ORDER NO. PSC-94-1565-PCO-WS ISSUED: December 15, 1994

ORDER LIFTING DISCOVERY STAY

This matter was scheduled for a formal hearing on October 13-14, 1994, in Lake County, Florida. On October 6, 1994, George Wimpey of Florida, Inc. (Wimpey), filed an Emergency Motion to Continue Controlling Dates.

By Order No. PSC-94-1266-PCO-WS, issued October 13, 1994, the Prehearing Officer granted the motion for continuance. The hearing was abated while the parties pursued the closing of a contract which would convey the utility to the Country Club of Mount Dora Community Development District. The order required JJ's Mobile Homes, Inc. (JJ's or utility) and Wimpey to file reports which advised the Commission of the status of the completion of the contract. The order also placed discovery in this matter in abeyance for 60 days, noting that the Prehearing Officer would consider lifting the stay at the end of that period. As of this date, two status reports have been filed.

As emphasized during the October 7, 1994, motion hearing, if the contract is not completed by January 1, 1995, this matter will be set for hearing at the earliest available date. To that end, the hearing dates of February 8-9, 1995, have been reserved on the Commission calendar. It is therefore appropriate to lift the stay of discovery imposed by Order No. PSC-94-1266-PCO-WS, in order to allow sufficient time to conduct discovery prior to the hearing, if this matter does indeed go to hearing. To delay the lifting of discovery until after January 1, 1995, would handicap any meaningful discovery because of the immediacy of the hearing dates.

Order No. PSC-94-1266-PCO-WS is reaffirmed in all other respects.

DOCUMENT NUMBER-DATE

12567 DEC 15 84

FPSC-RECORDS/REPORTING

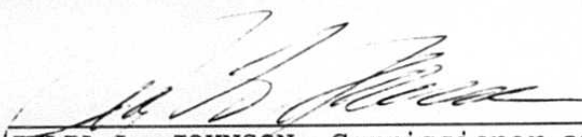
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Based upon the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the stay of discovery in this docket, as set forth in Order No. PSC-94-1266-PCO-WS, is hereby lifted. It is further

ORDERED that Order No. PSC-94-1266-PCO-WS is hereby reaffirmed in all other respects.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th day of December, 1994.

  
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.