

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 940761-WS
special service availability) ORDER NO. PSC-95-1028-PCO-WS
contract with Lake Heron in) ISSUED: August 21, 1995
Pasco County by MAD HATTER)
UTILITY, INC.)
_____)

ORDER DENYING MOTION FOR CONTINUANCE

Pursuant to the protest filed by Mad Hatter Utility, Inc., (MHU or utility) of certain portions of Order No. PSC-94-1603-FOF-WS, issued December 27, 1994, in this docket and in Docket No. 940760-WS, this matter was scheduled for a formal hearing on October 4, 1995, in Tallahassee, Florida. On August 17, 1995, MHU filed a Motion for Continuance of the October 4 hearing until the second quarter of 1996, and requests that the prehearing conference and discovery-completion dates be rescheduled.

As grounds for its Motion for Continuance, MHU asserts that the outcome of certain pending federal district court litigation may affect MHU's position in the instant proceeding. MHU acknowledges that the federal litigation involves a territorial dispute wholly unrelated to this proceeding.

There are no intervenors in this action, and no objections have been filed in opposition to MHU's Motion for Continuance. However, MHU has not established good cause for continuing the hearing, prehearing, or deadline for completion of discovery. The pending federal litigation involves territory which is unrelated to the territory at issue here. Accordingly, the utility's Motion for Continuance is hereby denied.

Based on the foregoing, it is, therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Motion for Continuance filed by Mad Hatter Utility, Inc., is hereby denied.


DOCUMENT NUMBER-DATE

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 21st day of August, 1995.


DIANE K. KIESLING, 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.