

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 940761-WS
special service availability) ORDER NO. PSC-95-1198-PCO-WS
contract with Lake Heron in) ISSUED: September 22, 1995
Pasco County by MAD HATTER)
UTILITY, INC.)
_____)

ORDER ACKNOWLEDGING SUBSTITUTION OF COUNSEL AND
GRANTING MOTION FOR CONTINUANCE OF PREHEARING

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. That Motion was denied by Order No. PSC-95-1028-PCO-WS, issued August 21, 1995. On September 15, 1995, MHU filed a second Motion for Continuance of the September 15, 1995, prehearing conference and the October 4 hearing. As grounds for that Motion, MHU asserted that it was in the process of preparing a proposed settlement agreement to present to the Commission, and that there was insufficient time in which to do so before the currently scheduled hearing date. As a result, the prehearing conference was rescheduled to September 22, 1995, pending the utility's filing of an offer of settlement.

On September 20, 1995, MHU filed a Notice of Substitution of Counsel, and a third Motion for Continuance of the prehearing conference. As grounds for this motion, MHU states that its prior counsel is unable to attend the September 22 prehearing conference due to a scheduling conflict; the services of the replacement counsel have been enlisted as of September 19, 1995; and the current scheduling of the prehearing conference does not allow sufficient time for replacement counsel to meaningfully participate in the prehearing conference.

There are no intervenors in this action, and no objections have been filed in opposition to MHU's Motion. In order to afford MHU sufficient time in which to prepare for meaningful participation in the prehearing conference, the prehearing conference is hereby postponed until September 27, 1995.

DOCUMENT NUMBER-DATE

09429 SEP 22 85

FPSC-REGISTRATION/REPORTING

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Based on the foregoing, it is, therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Mad Hatter Utility, Inc.'s, Notice of Substitution of Counsel is hereby acknowledged. It is further

ORDERED that Mad Hatter Utility, Inc.'s, Motion for Continuance of the September 22, 1995, prehearing conference is hereby granted. It is further

ORDERED that the prehearing conference is hereby postponed until September 27, 1995.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 22nd day of September, 1995.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

RGC

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,

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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.