

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 940761-WS
special service availability) ORDER NO. PSC-95-1204-PCO-WS
contract with Lake Heron in) ISSUED: September 28, 1995
Pasco County by MAD HATTER)
UTILITY, INC.)
_____)

ORDER GRANTING MOTION FOR CONTINUANCE OF PREHEARING
AND DENYING MOTION FOR CONTINUANCE OF HEARING

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. However, 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 this Motion, MHU asserts that it is in the process of preparing a proposed settlement agreement to present to the Commission, and that there is insufficient time in which to do so before the currently scheduled hearing date. MHU therefore requests entry of an order continuing this matter for thirty days.

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 draft an offer of settlement, MHU's request for continuance of the prehearing conference is hereby granted for a period of one week. The prehearing conference shall be held on September 22, 1995. However, the utility's Motion for Continuance of the October 4, 1995, hearing is hereby denied.

Based on the foregoing, it is, therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Mad Hatter Utility, Inc.'s, Motion for Continuance of the September 15, 1995, prehearing conference is hereby granted for a period of one week. It is further

ORDERED that Mad Hatter Utility, Inc.'s, Motion for Continuance of the October 4, 1995, hearing, is hereby denied.


DOCUMENT NUMBER-DATE

09581 SEP 28 95

FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-1204-PCO-WS
DOCKET NO. 940761-WS
PAGE 2

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 28th 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, 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.