

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by certain) DOCKET NO. 941130-WU
customers for limited proceeding) ORDER NO. PSC-96-0265-PCO-WU
to set private fire protection) ISSUED: February 23, 1996
rate charged by United Water)
Florida Inc. in St. Johns)
County.)
_____)

ORDER GRANTING MOTION FOR CONTINUANCE, MODIFYING
ORDER NO. PSC-95-0673-PCO-WU, AND DEFERRING RULING ON MOTION
FOR IDENTIFICATION OF CUSTOMERS TO NOTIFY OF HEARING

On December 28, 1995, Mr. R. J. Kane (petitioner Kane), filed a Motion for Continuance of the January 5, 1996, prehearing, and the January 26, 1996, hearing, in this matter. On October 11, 1995, United Water Florida Inc. (United Water Florida or utility), filed a Motion for Identification of Customers to Notify of Hearing, along with an attached affidavit of its Vice President, as Exhibit A. Because it did not serve the Office of Public Counsel (OPC) with a copy of the motion at the time of filing, on October 31, 1995, the utility filed a Notice of Supplement to Certificate of Service, indicating that it had mailed a copy of the motion to OPC on that same date. OPC therefore timely filed a response to the motion on behalf of the petitioners on November 6, 1995.

Motion for Continuance

By this motion, petitioner Kane requests a reasonable continuance of the January 5, 1996, prehearing, and the January 26, 1996, hearing in this matter. As grounds for this request, petitioner Kane states that he is exploring other options for his condominium association which may serve to alleviate the petitioners' interest in pursuing this matter, and that to proceed with the scheduled prehearing and hearing may unnecessarily expend the resources of the petitioners and the other parties. Also by this motion, petitioner Kane represents that the other petitioners and OPC do not object to a reasonable continuance. The utility has represented that it does not object to the motion. All parties have represented that they agree to continue the prehearing until June 14, 1996, and to continue the hearing until June 21, 1996.

In consideration of the foregoing, petitioner Kane's Motion for Continuance is hereby granted. The January 5, 1996, prehearing and the January 26, 1996, hearing were not held as originally scheduled. Order No. PSC-95-0673-PCO-WU is modified to reflect that the prehearing shall be held on June 14, 1996, in Tallahassee,

DOCUMENT NUMBER-DATE

0223 | FEB 23 1996

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and the hearing shall be held on June 21, 1996, in the Jacksonville area. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by June 14, 1996. Post-hearing briefs shall be due on July 19, 1996.

Motion for Identification of Customers to Notify of Hearing

By this motion, the utility requests, among other things, that the Commission amend Order No. PSC-95-0673-PCO-WU to limit the customers to be notified of the hearing to the general service water customers and private fire protection customers. In their response to the motion, the petitioners state, among other things, that they have no position as to which customers should be served with the notice of hearing.

Because petitioner Kane has represented that he may elect not to pursue this matter, and because the hearing in this matter shall be continued until June 21, 1996, this motion shall not be ruled upon at this time. Should petitioner Kane elect to pursue this matter, a ruling on this motion will be issued in time for the utility to notify the appropriate customers of the date, time, location and purpose of the hearing no less than fourteen days prior to the first day of the hearing.

Based on the foregoing, it is

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that Mr. R. J. Kane's Motion for Continuance is hereby granted. It is further

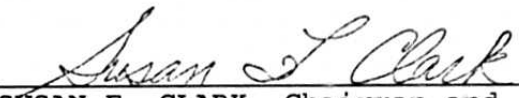
ORDERED that Order No. PSC-95-0673-PCO-WU, issued May 31, 1995, in this docket, is hereby modified to the extent set forth within the body of this Order. It is further

ORDERED that Order No. PSC-95-0673-PCO-WU is hereby reaffirmed in all other respects. It is further

ORDERED that a ruling on United Water Florida Inc.'s, Motion for Identification of Customers to Notify of Hearing is hereby deferred.

ORDER NO. PSC-96-0265-PCO-WU
DOCKET NO. 941130-WU
PAGE 3

By ORDER of Chairman Susan F. Clark, as Prehearing Officer,
this 23rd day of February, 1996.



SUSAN F. CLARK, Chairman 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.