

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 940303-WS
amendment of Certificates Nos.) ORDER NO. PSC-96-0687-PCO-WS
533-W and 464-S to add territory) ISSUED: May 23, 1996
in Lake and Orange Counties by)
SOUTHLAKE UTILITIES, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON

ORDER GRANTING MOTION FOR CONTINUANCE
AND REVISING ORDER ESTABLISHING PROCEDURE

BY THE COMMISSION:

Order No. PSC-96-0238-PCO-WS, issued February 19, 1996, established the procedure for the formal hearing in this docket scheduled for September 11-12, 1996. On April 2, 1996, Southlake Utilities, Inc. (Southlake) filed a Motion to Stay Action Pending Review of Order No. PSC-96-0329-FOF-WS (Motion for Stay), which Southlake appealed to the First District Court of Appeal. Also, on April 2, 1996, Southlake filed a Motion for Continuance. By Order No. PSC-96-0563-PCO-WS, issued April 30, 1996, the prehearing officer partially granted the Motion for Continuance and rescheduled the hearing for October 31 through November 1, 1996.

Southlake's Motion for Stay came before the Commission at the April 30, 1996 agenda conference. The Board did not respond to Southlake's motions and was not present at the agenda conference. At the agenda conference, Southlake withdrew its Motion for Stay and orally made a new motion for continuance, requesting that the proceeding be continued for a period of four to six months.

According to Southlake, Southlake and the Orange County Board of Commissioners (Board) have reached a tentative agreement regarding the issues in this docket. However, the agreement is tentative upon the Department of Community Affairs (DCA) approving it. Southlake's request for a continuance is based upon the proposition that the utility needs time to determine whether DCA will ultimately approve the agreement. Southlake represented that it had discussed the matter with the Board, and that the Board did not object to our granting a continuance such as requested by Southlake.

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We find that it is appropriate to grant Southlake's oral motion for continuance for a period of six months from the date the hearing was originally scheduled. This time will allow both parties to focus their attention on receiving DCA's approval of the agreement instead of litigating the issues before us. Accordingly, the controlling dates, last modified by Order No. PSC-96-0563-PCO-WS, are modified as follows:

- | | |
|--|-------------------|
| 1) Utility's direct testimony and exhibits | November 6, 1996 |
| 2) Intervenors' direct testimony | December 10, 1996 |
| 3) Staff's direct testimony and exhibits, if any | January 7, 1997 |
| 4) Rebuttal testimony and exhibits | January 24, 1997 |
| 5) Prehearing Statements | February 23, 1997 |
| 6) Prehearing Conference | March 10, 1997 |
| 7) Hearing | March 25-26, 1997 |
| 8) Briefs | April 15, 1997 |

All other portions of Order No. PSC-96-0238-PCO-WS are reaffirmed in all other aspects.

Based on the foregoing, it is

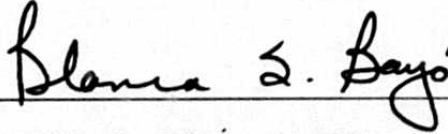
ORDERED by the Florida Public Service Commission that Southlake Utilities, Inc.'s motion for continuance made orally at the agenda conference on April 30, 1996, is hereby granted as set forth in the body of this Order. It is further

ORDERED that the controlling dates as set forth in the body of this Order supersede the controlling dates set forth in Order No. PSC-96-0563-PCO-WS. It is further

ORDERED that Order No. PSC-96-0563-PCO-WS is affirmed in all other aspects.

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By ORDER of the Florida Public Service Commission, this 23rd
day of May, 1996.



BLANCA S. BAYO, Director
Division of Records and Reporting

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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 25-22.0376, 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.