

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of) DOCKET NO. 960814-WS
possible overearnings in Manatee) ORDER NO. PSC-96-1433-PCO-WS
County by Keith & Clara Starkey) ISSUED: November 22, 1996
d/b/a Heather Hills Estates)
_____)

ORDER GRANTING REQUEST FOR EXTENSION OF TIME AND
ORDER REVISING ORDER ESTABLISHING PROCEDURE

By Order No. PSC-96-1126-FOF-WS, issued September 5, 1996, the Commission proposed to restructure the rates and charges of Keith & Clara Starkey d/b/a Heather Hills Estates (Utility). The Commission further found the Utility to be overearning by \$1,826 annually. This Order was timely protested on September 25, 1996, by 14 customers. Order No. PSC-96-1269-PCO-WS, issued October 9, 1996, established the hearing schedule and procedures.

On October 21, 1996, the Utility filed a request to reschedule the hearing in this docket because of a possible sale of the Utility to the Heather Hills Estates Home Owners Association. The Utility served the 14 protestors with this request by hand delivery on October 28, 1996. None of the protestors have objected to the Utility's request for an extension. Upon reviewing the request for the extension, the potential sale of the utility is not grounds to move the hearing for this case to a later date. However, given that the parties to the proceeding have made little progress toward preparing to go to hearing, it is appropriate to grant an extension of the hearing date. Accordingly, Order No. PSC-96-1269-PCO-WS is revised as set forth below:

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|---|-------------------|
| 1) Utility's direct testimony
and exhibits | December 2, 1996 |
| 2) Intervenors' direct testimony
and exhibits | December 16, 1996 |
| 3) Staff's direct testimony
and exhibits, if any | December 30, 1996 |
| 4) Prehearing Statements | January 6, 1997 |
| 5) Rebuttal testimony
and exhibits | January 13, 1997 |
| 6) Prehearing Conference | January 17, 1997 |

DOCUMENT NUMBER-DATE

12536 NOV 22 1996

FPSC-RECORDS/REPORTING

8) Briefs

March 5, 1997

Order No. PSC-96-1269-PCO-WS is affirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that the request filed by Keith and Clara Starkey d/b/a Heather Hills Estates for an extension of time in this docket is granted as set forth herein. It is further

ORDERED that Order No. PSC-96-1269-PCO-WS is hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-96-1269-PCO-WS is reaffirmed in all other respects.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 22nd day of November, 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 25-22.0376, 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.