

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate increase and increase in service availability charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc. In Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties.

DOCKET NO. 950495-WS  
ORDER NO. PSC-99-0800-PCO-WS  
ISSUED: April 21, 1999

ORDER GRANTING MOTION FOR ABATEMENT AND CONTINUANCE  
AND CANCELING CONTROLLING DATES

On April 12, 1999, Florida Water Services Corporation (Florida Water or utility) filed its Motion for Abatement and Continuance and Request for Expedited Ruling (Motion). In that Motion, the utility states that it plans to file an appellate action on Order No. PSC-99-0612-PCO-WS -- Order Denying Motion for Protective Order On Staff's Interrogatory No. 5, and Order No. PSC 99-0664-PCO-WS -- Order Denying Motion To Transfer Remand Proceeding, Granting Petition For Formal Hearing Concerning Surcharges, And Approving List of Issues For Consideration On Remand. The utility states that the appeal will be in the form of a Motion to Enforce the Mandate issued by the First District Court of Appeal in this case.

Also, Florida Water states that it will in all probability file appellate action on the discovery order regarding the discovery requests of the Office of Public Counsel. Further, the utility states that judicial economy will be enhanced by resolving pending issues affecting the scope of discovery and issues for hearing prior to engaging in further discovery, preparation and submission of testimony, and participation in the final hearing on remand.

In the Motion, Florida Water specifically requests that this remand proceeding be abated, and dates for the prehearing conference, the hearing, the filing of prehearing statements, and

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the filing of testimony and exhibits be canceled and reset upon disposition of its appellate action. The utility states that it has contacted the parties, and that all parties either agree with the motion or do not object to the motion being granted.

The situation in this case appears to be similar to the situation in Florida Cities Water Company, Docket No. 950387-SU, in which the utility took an interlocutory appeal of the Commission order deciding to reopen the record. That hearing was held in abeyance, pending the outcome of the appeal.

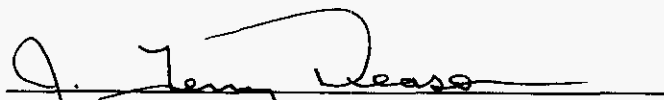
Therefore, the Motion of Florida Water Services Corporation shall be granted. With the granting of this Motion, the Controlling Dates set forth in the Order Establishing Procedure, Order No. PSC-99-0181-PCO-WS, are all canceled and will be reset upon completion of the appellate proceedings. Also, the date for completion of discovery will be reset upon completion of the appellate proceedings.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Florida Water Services Corporation's Motion for Abatement and Continuance and Request for Expedited Ruling is granted as set forth in the body of this Order. It is further

ORDERED that the Controlling Dates and the date for completion of discovery set forth in the Order Establishing Procedure are canceled and held in abeyance pending the outcome of the appellate proceedings.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 21st day of April, 1999.

  
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J. TERRY DEASON  
Commissioner 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 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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.