

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificates to operate a water  
and wastewater utility in  
Charlotte and DeSoto Counties by  
Lake Suzy Utilities, Inc.

DOCKET NO. 970657-WS

In re: Application for  
amendment of Certificates Nos.  
570-W and 496-S to add territory  
in Charlotte County by Florida  
Water Services Corporation.

DOCKET NO. 980261-WS ✓  
ORDER NO. PSC-99-0973-PCO-WS  
ISSUED: May 13, 1999

ORDER APPROVING MOTION

By Order No. PSC-98-1115-PCO-WS, issued August 20, 1998, this matter was scheduled for formal hearing on January 13-14, 1999. On January 11, 1999, Florida Water Services Corporation (FWSC), in conjunction with Lake Suzy Utilities, Inc. (Lake Suzy), filed a Joint Motion for Continuance, stating that the movants were engaged in good faith settlement discussions and had appeared to reach a settlement in principle on major points.

By Order No. PSC-99-0078-PCO-WS, issued January 11, 1999, the parties' motion was granted. Pursuant to that Order, the parties were to report on the status of settlement negotiations within 90 days from the date of filing the motion. In the event the parties had not reached a settlement, the Order provided that hearing and procedural dates would be reestablished. Based on the Order, the hearing dates were canceled.

On April 9, 1999, FWSC and Lake Suzy filed a Settlement Progress Report and Motion for More Time. According to the progress report and motion, FWSC provided Lake Suzy with a draft settlement agreement at the end of March, 1999. The parties indicated that they are making progress toward a settlement but require additional time. Therefore, the parties have requested an additional 45 days from the date of the progress report to again report to the Commission on their settlement progress. Our staff counsel has verified that counsel for Charlotte County and Haus Development, Inc. do not object to the parties' motion.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING


ORDER NO. PSC-99-0973-PCO-WS  
DOCKETS NOS. 970657-WS, 980261-WS  
PAGE 2

Therefore, based on the parties' good faith effort to negotiate a settlement agreement, FWSC's and Lake Suzy's Motion for More Time is hereby granted. The parties shall file a progress report by May 24, 1999 regarding the status of their settlement negotiations. However, if the parties have not reached a settlement agreement by that date, hearing and procedural dates will be reestablished, and any further request for continuance will be denied.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Florida Water Service Corporation's and Lake Suzy Utilities, Inc.'s Motion for More Time is hereby granted as set forth in the body of this Order.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 13th day of May, 1999.

  
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SUSAN F. CLARK  
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.

ORDER NO. PSC-99-0973-PCO-WS  
DOCKETS NOS. 970657-WS, 980261-WS  
PAGE 3

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.