

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Disposition of CIAC
gross-up funds collected by
North Fort Myers Utility, Inc.
in Lee County.

DOCKET NO. 971179-SU
ORDER NO. PSC-00-0394-PCO-SU
ISSUED: February 23, 2000

ORDER SUSPENDING DISCOVERY AND TIME FOR FILING REBUTTAL TESTIMONY
AND PREHEARING STATEMENTS

On February 7, 2000, the Office of Public Counsel and North Fort Myers Utility, Inc., the only parties in this case, filed a Settlement Agreement which proposes to dispose of all issues being considered in this docket. This Settlement Agreement is scheduled to be considered at the February 29, 2000 agenda conference. Pending that ruling, the parties have requested that the proceedings be suspended, including the filing of rebuttal testimony, prehearing statements, and discovery.

Because the Prehearing Conference is not scheduled until April 3, 2000, a suspension of activities through February 29, 2000, will not delay the processing of this case. Therefore, the request to suspend the proceedings, to include the filing of rebuttal testimony, prehearing statements, and discovery, is granted. These proceedings will be resumed, as required, after consideration of the Settlement Agreement at the February 29, 2000 agenda conference.

Based upon the foregoing, it is

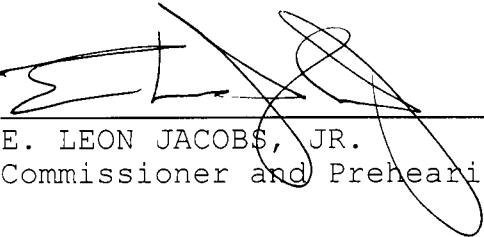
ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the request of the Office of Public Counsel and North Fort Myers Utility, Inc., for suspension of proceedings, including the filing of rebuttal testimony, prehearing statements, and discovery, is granted, pending consideration of the Settlement Agreement.

DOCUMENT NUMBER-DATE

02487 FEB 23 8

PROCEEDINGS REPORTING

By ORDER of Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, this 23rd day of February, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

RRJ

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.