

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate
increase in Flagler County by
Palm Coast Utility Corporation.

DOCKET NO. 951056-WS
ORDER NO. PSC-00-0624-PCO-WS
ISSUED: April 3, 2000

ORDER GRANTING FLORIDA WATER SERVICES CORPORATION'S
MOTION FOR ABATEMENT AND CONTINUANCE

On March 3, 2000, Florida Water Services Corporation (Florida Water or utility) filed its Motion for Abatement and Continuance (Motion). In the Motion, the utility states that it has filed an application with the Flagler County Regulatory Interim Authority (FCURIA). The utility requests sufficient time for FCURIA to resolve Florida Water's application. The additional time would allow the parties to move forward with an offer of settlement or settlement agreement for resolution of the issues on remand and closure of this docket.

In the Motion, Florida Water specifically requests a full abatement and continuance of all scheduled proceedings, including abatement of discovery; and that the controlling dates, including final hearing dates, be canceled. The utility states that it has contacted all parties and that Flagler County supports this Motion. However, the Office of Public Counsel (OPC) objected to the requested relief to the extent OPC wished to pursue discovery concerning Florida Water's application and has requested Florida Water to agree to provide refunds for the period of the abatement. Florida Water has agreed to provide OPC with copies of its responses to the data requests propounded by FCURIA, and will informally respond to any remaining questions of OPC. However, Florida Water will not agree to any refunds, which it contends are inconsistent with the anticipated settlement proposal.

On March 10, 2000, OPC filed a response to the Motion. OPC does not object to the Motion, stating that any disagreement over any refunds does not merit a denial of the requested abatement and continuance.

In consideration of the foregoing, the Motion of Florida Water Services Corporation shall be granted, and with approval of the Chairman, all scheduled proceedings, including discovery, shall be held in abeyance for a period of six months.

DOCUMENT NUMBER-DATE

04032 APR-38

FPSC-RECORDS/REPORTING


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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 is granted as set forth in the body of this Order. It is further

ORDERED that all scheduled proceedings, including discovery, are held in abeyance for a period of six months.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 3rd day of April, 2000.



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.

MEMORANDUM

RECEIVED-PPSC

March ~~28~~³¹, 2000

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FUDGE, GERVASI) *GF RS*

RE: DOCKET NO. 951056-WS - APPLICATION FOR RATE INCREASE IN
FLAGLER COUNTY BY PALM COAST UTILITY CORPORATION.

6624 - PCO

Attached is an ORDER GRANTING FLORIDA WATER SERVICES CORPORATION'S MOTION FOR ABATEMENT AND CONTINUANCE, to be issued in the above-referenced docket.

(Number of pages in order - 2)

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Attachment

cc: Division of Water and Wastewater (Willis, Merchant, Moniz, Rendell)

I:95105602.JKF

MUST GO TODAY

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