

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency petition by
D.R. Horton Custom Homes, Inc.
to eliminate authority of
Southlake Utilities, Inc. to
collect service availability
charges and AFPI charges in Lake
County.

DOCKET NO. 981609-WS

In re: Complaint by D.R. Horton
Custom Homes, Inc. against
Southlake Utilities, Inc. in
Lake County regarding collection
of certain AFPI charges.

DOCKET NO. 980992-WS
ORDER NO. PSC-00-1817-PCO-WS
ISSUED: October 4, 2000

ORDER GRANTING MOTION FOR EXTENSION OF
TIME AND CHANGING FILING DATES

On August 4, 1998, D.R. Horton Custom Homes, Inc. (Horton) filed a Complaint against Southlake Utilities, Inc. (Southlake or utility) regarding the utility's collection of allowance for funds prudently invested (AFPI) charges. On November 16, 1998, Horton also filed a Petition to immediately eliminate the authority of Southlake to collect service availability and AFPI charges. By Order No. PSC-99-0027-PCO-WS, issued January 4, 1999, the Commission initiated an investigation into Southlake's AFPI and service availability charges and held these charges subject to refund.

On May 9, 2000, the Commission issued Order No. PSC-00-0917-SC-WS, in which the utility was ordered to show cause and to provide security for the service availability charges held subject to refund. A portion of this Order was also a notice of proposed agency action discontinuing the utility's water plant capacity and AFPI charges, reducing the amount of the utility's wastewater plant capacity charges, and requiring refunds. On May 30, 2000, the utility timely requested a hearing on the show cause portion of the Order. The utility also filed a protest to the proposed agency action portion of the Order and requested a formal hearing. Additionally, by Order No. PSC-00-1518-SC-WS, issued August 22, 2000, the Commission ordered the utility to show cause why it should not be fined for its apparent failure to file the security required by Order No. PSC-00-0917-SC-WS. On September 13, 2000,

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the utility responded to Order No. PSC-00-1518-SC-WS and requested a hearing. Accordingly, an administrative hearing has been scheduled to address these matters.

By Order No. PSC-00-1461-PCO-WS (Order Establishing Procedure), issued August 11, 2000, controlling dates were established for these dockets. Pursuant to the Order Establishing Procedure, Southlake's direct testimony and exhibits are due on October 6, 2000. The prehearing conference and hearing are scheduled on March 5, 2001, and March 15 and 16, 2001, respectively.

On September 18, 2000, Southlake filed a Motion for Extension of Time, requesting a change in the filing dates. In support of its motion, Southlake states that two of the minority shareholders of Southlake have entered into a Letter of Intent to purchase the outstanding shares of the utility from the remaining shareholders and that an agreement for the purchase and sale of the utility is being drafted. The utility also states that after the purchase agreement is fully executed, Southlake will file an application with the Commission for the transfer of majority organizational control of the utility. Moreover, the utility states that the utility's consultants intend to meet with Commission staff and Horton to discuss the utility's service availability and AFPI charges and potential refunds. Southlake contends that if the correct amount of charges and any refunds can be determined prior to the preparation of testimony and exhibits, all the parties will avoid a great deal of time and expense.

The utility states that none of the parties will be prejudiced by the requested extension of time. Southlake further states that it has contacted Horton's and staff's counsel and that neither object to the utility's motion. The utility requests that the extension of time be granted as follows:

- | | |
|--|-------------------|
| 1) Utility's direct testimony and exhibits | December 1, 2000 |
| 2) Intervenor's direct testimony and exhibits | December 29, 2000 |
| 3) Staff's direct testimony and exhibits, if any | January 26, 2001 |
| 4) Rebuttal testimony and exhibits | February 9, 2001 |

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5) Prehearing Statements

February 9, 2001

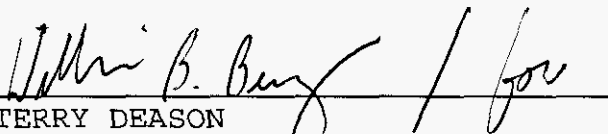
The utility's motion does not require a change in the prehearing and hearing dates, and it is reasonable. Accordingly, Southlake's motion is hereby granted. The revised dates set forth above shall govern these dockets.

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that Southlake Utilities, Inc.'s Motion for Extension of Time is hereby granted. It is further

ORDERED that the dates for filing testimony and prehearing statements are hereby changed as set forth in the body of this Order.

By ORDER of Chairman J. Terry Deason as Prehearing Officer, this 4th day of October, 2000.



J. TERRY DEASON
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 120.569(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.

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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.