

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request  
for hearing by Linda J. McKenna  
and 54 petitioners regarding  
unfair rates and charges of  
Shangri-La by the Lake  
Utilities, Inc. in Lake County.

DOCKET NO. 990080-WS  
ORDER NO. PSC-00-2094-PCO-WS  
ISSUED: November 3, 2000

ORDER GRANTING MOTION FOR ABEYANCE OF  
STAFF'S PREFILED TESTIMONY FILING DATE

By Proposed Agency Action (PAA) Order No. PSC-00-0259-PAA-WS, issued February 8, 2000, this Commission adjusted rates for Shangri-La by the Lake Utilities, Inc. (Shangri-La or utility), established a new class of service, authorized the collection of metered charges for irrigation, denied a request that the utility not be allowed to charge for service pending a resolution of the matter, and denied a request to revoke Shangri-La's certificates. On February 29, 2000, the Office of Public Counsel (OPC) timely filed an objection to the Order. Accordingly, this matter is currently scheduled for hearing on December 13, 2000.

On October 2, 2000, Shangri-La and OPC filed a Joint Motion for Extension of Time to File Prefiled Testimony and on October 13, 2000, the parties filed a Joint Motion to Approve Settlement Agreement. On October 26, 2000, the Commission staff (staff) filed a recommendation to approve the Joint Motion to Approve Settlement Agreement, which recommendation is scheduled to be ruled upon at our November 7, 2000, agenda conference. Staff's prefiled testimony is scheduled to be filed on October 31, 2000.

On October 30, 2000, staff filed a Motion for Abeyance of Prefiled Testimony Filing Date. In its Motion, staff avers that if the Settlement Agreement is approved, there will be no need for the staff to prefile testimony at all, and that if the Settlement Agreement is rejected, all controlling dates, including the prehearing and hearing dates, should be rescheduled and the utility's testimony should be filed in advance of staff's testimony. Therefore, staff requests that its prefiled testimony filing date be held in abeyance pending the outcome of the Commission's decision on the Joint Motion to Approve Settlement Agreement.

In consideration of the foregoing, staff's Motion is reasonable and thus shall be granted. Staff's prefiled testimony

DOCUMENT NUMBER-DATE

14261 NOV-30

FPSC-RECORDS/REPORTING

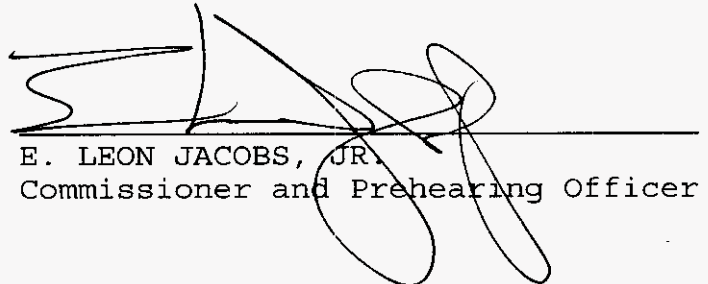
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filing date shall be held in abeyance pending the outcome of our decision on the Settlement Agreement at the Agenda Conference.

Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, that Staff's Motion for Abeyance of Prefiled Testimony Filing Date is hereby granted.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 3rd day of November, 2000.



E. LEON JACOBS, JR.  
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

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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.