

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase
in water rates in Orange County
by Wedgefield Utilities, Inc.

DOCKET NO. 991437-WU
ORDER NO. PSC-00-2365-PCO-WU
ISSUED: December 8, 2000

ORDER GRANTING MOTION TO ABATE AND STAY PROCEEDINGS

By Order No. PSC-00-1895-PCO-WU, issued October 16, 2000, controlling dates and hearing dates were established in this docket. These dates were subsequently modified by Order No. PSC-00-2182-PCO-WU, issued November 15, 2000. On December 1, 2000, Wedgefield Utilities, Inc. (Wedgefield or utility) filed its Motion to Abate and to Stay Proceedings Pending Appellate Review (Motion).

In support of its Motion, the utility states that it plans to appeal the Commission's decision made at the November 28, 2000, Agenda Conference, when an order is issued memorializing that decision. However, because a discovery dispute is pending, the utility believes that it is necessary to address the discovery issue and stay of the proceedings at this time. The utility states that if discovery and other matters proceed and the appeal is successful, then the pending discovery dispute will be moot. Consequently, the rate case expenses relating to the issue would turn out to be imprudent expenditures.

In its Motion, Wedgefield specifically requests that all discovery efforts be abated and that all further actions be stayed by the Commission until after the decision on appeal becomes final. Wedgefield agrees to waive the time limitations set forth in Section 367.081(8), Florida Statutes, for a period not to exceed eight months after the decision on appeal becomes final. The utility stated that it had contacted counsel for the Office of Public Counsel (OPC), and that OPC would file a written response to the Motion.

On December 4, 2000, OPC filed its Response to Wedgefield's Motion to Abate. In its Response, OPC questions the decision to file an appeal, but does not object to abating this proceeding as described in Wedgefield's Motion pending a decision by the First District Court of Appeal.

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Abating this proceeding will avoid what may be unnecessary time and expense if Wedgefield is ultimately successful on appeal. Moreover, because Wedgefield has waived the time limitations set forth in Section 367.081(8), Florida Statutes, and the parties agree to abating this proceeding, Wedgefield's Motion shall be granted. All controlling dates, including the hearing dates upon approval of the Chairman's Office, shall be held in abeyance and will be reset upon completion of the appellate proceedings.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the Motion to Abate and Stay Proceedings Pending Appellate Review filed by Wedgefield Utilities, Inc. is granted. It is further

ORDERED that all discovery efforts and controlling dates are held in abeyance and will be reset upon completion of the appellate proceedings.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 8th day of December, 2000.


LILA A. JABER
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

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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.