

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
retention of certificated area
of Ellis & Company, Ltd.
(Holiday Mall) by Floralino
Properties, Inc. in Pasco
County.

DOCKET NO. 991486-WU
ORDER NO. PSC-01-0862-PCO-WU
ISSUED: April 5, 2001

ORDER GRANTING MOTION TO WITHDRAW AS
COUNSEL OF RECORD

On October 1, 1999, Ellis & Company, Ltd. (Holiday Mall) filed an Application for Deletion of Service Area - Emergency or Temporary Relief Requested. On April 10, 2000, Gerald T. Buhr, Esquire, of Buhr & Associates, P.A., filed a Motion to Strike or Dismiss Application on behalf of Floralino Properties, Inc. (Floralino or utility). On April 18, 2000, Holiday Mall filed its response to the Motion. On November 29, 2000, Holiday Mall filed an Amended Application for Deletion of Service Area -- Emergency or Temporary Relief. By Order No. PSC-01-0555-FOF-WU, issued March 12, 2001, this Commission issued notice initiating proceedings to delete the area encompassing Holiday Mall from Floralino's Certificate No. 153-W, and denied Floralino's Motion to Strike or Dismiss.

On March 15, 2001, Mr. Buhr filed a Motion to Withdraw as Counsel of Record for Floralino. In support thereof, counsel states that irreconcilable differences have developed between himself and Floralino, making further representation impossible. He further states that Floralino has failed to meet its financial obligations to counsel. Therefore, Mr. Buhr requests that the Commission enter an order allowing him to withdraw as counsel of record for Floralino. The Certificate of Service states that the Motion to Withdraw was furnished to his client and the parties of record by facsimile and U.S. mail. No responses to the Motion were filed, and the response period has expired.

Rule 28-106.105(3), Florida Administrative Code, states that "[o]n written motion served on the party represented and all other parties of record, the presiding officer shall grant counsel of record and qualified representatives leave to withdraw for good cause." I find that Mr. Buhr has set forth good cause in his Motion. Therefore, I find it appropriate to grant his Motion to Withdraw as Counsel of Record.

DOCUMENT NUMBER-DATE

04204 APR-5

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Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the Motion of Mr. Gerald T. Buhr, Esquire, to Withdraw as Counsel of Record for Floralino Properties, Inc., is hereby granted.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 5th day of April, 2001.



MICHAEL A. PALECKI
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.