

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Bayside
Mobile Home Park against Bayside
Utility Services, Inc. regarding
denial of request for water and
wastewater service in Bay
County.

DOCKET NO. 010726-WS
ORDER NO. PSC-01-1371-PCO-WS
ISSUED: June 26, 2001

ORDER ACCEPTING FILING OF RESPONSE TO COMPLAINT

On May 11, 2001, Bayside Partnership, d/b/a Bayside Mobile Home Park (Bayside Partnership), filed its formal complaint against Bayside Utility Services, Inc. (Bayside Utility or utility). This formal complaint was assigned Docket No. 010726-WS, and was mailed to Bayside Utility on that same day.

Upon receiving the complaint and being unsure as to whether Rule 25-22.032(5)(a), Florida Administrative Code, was applicable, Bayside Utility filed its Motion for Extension of Time of Three Business Days to Respond to Complaint (Bayside Utility Motion) requesting that it be given until June 6, 2001 to file its response. This would amount to an additional three working days. As justification for this extension, Bayside Utility states that it was necessary to acquire certain documents and information and that counsel for the utility was not able to complete the review and finalize the response by June 1, 2001. Bayside Utility did file its response on June 6, 2001.

However, Bayside Partnership filed its Motion to Deny "Motion for Extension of Time of Three Business Days to Respond to Complaint" Filed by Bayside Utility Services, Inc. (Bayside Partnership Motion). In its motion, Bayside Partnership asserts that counsel for Bayside Utility is trying to circumvent the law and that just because counsel could not find the necessary time to prepare a response is not a valid reason to grant his motion. Also, Bayside Partnership states that time is of the essence in resolving this complaint, and that the delay would impose an unfair and undue burden on Bayside Partnership because of interest payments due on borrowed money and the inability to sell lots. Bayside Partnership further claims that, since 1999, Bayside Utility has refused to respond to requests for service and that the

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FILED RECORDS & REPORTING

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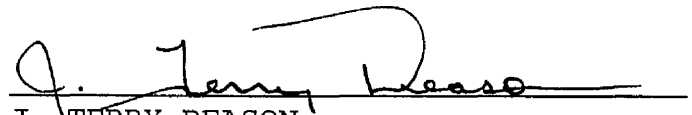
utility's motion is further evidence of the delaying tactics that have been used since 1999. Bayside Partnership requests that this Commission refuse to accept the utility's response.

Upon review of all the above, Bayside Utility's response filed on June 6, 2001 shall be accepted, and the request of Bayside Partnership that it be rejected is denied.

Based on the foregoing, it is

Ordered by Commissioner J. Terry Deason, as Prehearing Officer, that the Response to the Complaint filed by Bayside Utility Services, Inc., on June 6, 2001, shall be accepted, and the request of Bayside Partnership, d/b/a Bayside Mobile Home Park, that the Response be rejected is denied.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 26th day of June, 2001.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

RRJ

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

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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.