

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 106-W to add and delete territory in Lake County by Florida Water Services Corporation.

DOCKET NO. 990054-WU  
ORDER NO. PSC-01-1624-PCO-WU  
ISSUED: August 8, 2001

ORDER DENYING MOTION FOR ABEYANCE AND CHANGING  
PREHEARING CONFERENCE AND HEARING DATES

On January 15, 1999, Florida Water Services Corporation (FWSC) filed an application for amendment of Certificate No. 106-W to add and delete territory in Lake County. On April 19, 1999, Crystal River Utilities, Inc. (Crystal River) filed an objection to FWSC's application and requested a formal hearing.

By Order No. PSC-99-1264-PCO-WU (Order Establishing Procedure), issued June 30, 1999, controlling dates were established for this docket. On February 10, 2000, FWSC and Crystal River filed a Joint Motion for Continuance, which was granted by Order No. PSC-00-0449-PCO-WU, issued March 2, 2000. Also, on May 10, 2000, FWSC and Crystal River filed a Joint Motion for Further Continuance, which was granted by Order No. PSC-00-1061-PCO-WU, issued June 2, 2000. By Order No. PSC-00-2463-PCO-WU, issued December 21, 2000, the prehearing conference and hearing dates were changed to August 6, 2001, and August 22 and 23, 2001, respectively, to accommodate the Commission calendar.

On August 3, 2001, the parties filed a Motion for Abeyance. In support of their motion, the parties state that they have reached a verbal settlement by which FWSC will acquire Crystal River's Haines Creek water system. The parties state that due to the schedules of the primary persons involved, the settlement will not be reduced to writing with all of the schedules attached by the date of the hearing. The parties further state that Crystal River will voluntarily dismiss its objection to FWSC's application upon the closing of the sale. The parties assert that no purpose will be served in going forward with this proceeding and that there is no reason for the parties and staff to expend the time and expense of a prehearing, hearing and post hearing matters.

DOCUMENT NUMBER-DATE

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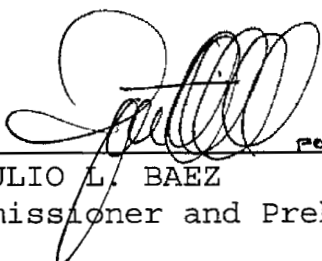
As the parties have yet to file their written settlement agreement, this matter shall not be held in abeyance nor the hearing dates cancelled. However, I do find it reasonable to change the prehearing conference and hearing dates to allow the parties an opportunity to file the written settlement agreement. Thus, FWSC and Crystal River's Motion for Abeyance is hereby denied, but the prehearing conference and hearing dates in this matter are hereby changed to May 13, 2002, and May 29 and 30, 2002, respectively.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Florida Water Services Corporation and Crystal River Utilities, Inc.'s Motion for Abeyance is hereby denied. It is further

ORDERED that the prehearing conference and hearing dates are hereby changed to May 13, 2002, and May 29 and 30, 2002, respectively.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 8th day of August, 2001.

  
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BRAULIO L. BAEZ  
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 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 the Commission Clerk and Administrative Services, 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.