

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DOCKET NO. 980992-WS

In re: Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

DOCKET NO. 981609-WS
ORDER NO. PSC-01-1645-PCO-WS
ISSUED: August 13, 2001

SECOND ORDER REVISING ORDER ESTABLISHING NEW CONTROLLING DATES
AND
ORDER GRANTING WITH MODIFICATION MOTIONS TO SHORTEN TIME TO
ANSWER INTERROGATORIES AND TO PRODUCE DOCUMENTS

Background

On July 26, 2001, pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, this Commission issued Order No. PSC-01-1548-PCO-WS, entitled Order Establishing New Controlling Dates for Prefiled Direct and Rebuttal Testimony and Prehearing Conference (Order Establishing New Controlling Dates). On July 30, 2001, Worthwhile Development II, Ltd. (Worthwhile) filed a Motion for Continuance of these proceedings to a later date. By Order No. PSC-01-1594-PCO-WS, issued August 2, 2001, Worthwhile's Motion for Continuance was granted and the Order Establishing New Controlling Dates was revised.

Controlling Dates

To accommodate the scheduling of other matters, the Prehearing Conference currently scheduled for August 24, 2001, in this matter, has been rescheduled to September 11, 2001, at 9:30 a.m. Prehearing Statements on the issues identified by Order No. PSC-01-1548-PCO-WS shall be filed by all parties and Staff on September 4, 2001. The hearing scheduled for September 17, 2001, shall take place as scheduled, at the Florida Public Service Commission, room 152, Easley Building, 2540 Shumard Oak Boulevard, in Tallahassee.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Accordingly, the Controlling Dates are revised as set forth below, and shall govern this case:

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| 1) Prefiled Direct Testimony
(Worthwhile) | August 29, 2001 |
| 2) Prehearing Statements | September 4, 2001 |
| 3) Prefiled Rebuttal Testimony
(Southlake) | September 10, 2001 |
| 4) Prehearing Conference | September 11, 2001 |

Motions to Shorten Discovery Response Time

On August 7, 2001, Worthwhile filed a Motion to Shorten Time to Answer Interrogatories and a Motion to Shorten Time to Produce Documents (Motions). On that same date, Worthwhile propounded its First Set of Interrogatories and its First Request for Production of Documents on Southlake Utilities, Inc. (Southlake or utility). By its Motions, Worthwhile requests that the time for responses to discovery requests be shortened from 30 days, as provided by Rule 1.340, Florida Rules of Civil Procedure, to 10 days, and that the time for filing objections to discovery be shortened to five days. As grounds for its Motions, Worthwhile states that although the Commission granted its Motion for Continuance, the relevant dates were only changed by a limited time period. The short time extension leaves Worthwhile little time to request, receive, review, analyze and respond to discovery.

In consideration of the foregoing, Worthwhile's Motions are granted with the modification set forth below. The time for filing responses to discovery requests shall be shortened to 10 days from the filing of the discovery requests, and objections to discovery requests shall be shortened to five days from the date of the discovery requests. However, because Worthwhile's deadline for filing its direct testimony is hereby extended by one week to August 29, 2001, Southlake shall be afforded an additional three days in which to answer these first sets of discovery, and shall provide responses to these discovery requests by August 22, 2001.


Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that this matter shall proceed to hearing on September 17, 2001, as previously scheduled. The revised controlling dates set forth in the body of this Order shall govern this case. It is further

ORDERED that Worthwhile Development II, Ltd.'s Motions to Shorten Time to Answer Interrogatories and to Produce Documents are granted with modification as set forth in the body of this Order. Southlake Utilities, Inc. shall respond to Worthwhile Development II, Ltd.'s First Set of Interrogatories and First Request for Production by August 22, 2001. It is further

ORDERED that except as modified herein, all other provisions of Orders Nos. PSC-00-1461-PCO-WS, PSC-00-1817-PCO-WS, PSC-01-1034-PCO-WS, PSC-01-1548-PCO-WS, and PSC-01-1594-PCO-WS, shall remain in effect.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 13th day of August, 2001.



J. TERRY DEASON
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.