

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation.	DOCKET NO. 030102-WS ORDER NO. PSC-04-0530-PCO-WS ISSUED: May 24, 2004
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ORDER DENYING MOTION TO RESCHEDULE HEARING

On October 20, 2003, L.P. Utilities Corporation (LP) filed an application for authority to transfer the utility facilities of the Woodlands of Lake Placid, L.P. to the Camp Florida Property Owners Association, Inc. and for authority to transfer majority organizational control of L.P. Utilities Corporation to Camp Florida Property Owners Association, Inc. On October 30, 2003, the Office of Public Counsel (OPC) objected to this application, and the matter was set for an administrative hearing on August 10-11, 2004.

On April 22, 2004, the Office of Public Counsel (OPC) filed a motion to reschedule the hearing, stating that several of the Camp Florida customers do not live in Florida during the month of August. OPC requested that the hearing be rescheduled to a time during which those customers would have an opportunity to attend. On May 5, 2004, LP responded that rescheduling the hearing to accommodate non-resident customers would significantly delay action on its application and it would be prejudiced by that delay.

The Order Establishing Procedure setting forth the hearing schedule in this case was filed on February 26, 2004. If the Commission were to reschedule the hearing now the case would be delayed for several more months. As stated in the Order Establishing Procedure:

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Order No. PSC-04-0222-PCO-WS, p. 1.

Customers who are not in Florida at the time of the hearing may travel to Florida to attend. The just, speedy, and inexpensive determination of the issues in this case, however, will not be served by delaying this case any longer. I find that OPC has not shown good cause to continue the established hearing date, as Rule 28-106.210, Florida Administrative Code, requires. Accordingly, OPC's motion to reschedule the hearing date is denied.


DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 24th day of
May _____, 2004.



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; or (2) 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.