

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for rate increase in Bay  
County by Bayside Utility Services, Inc.

DOCKET NO. 030444-WS  
ORDER NO. PSC-04-1238-PCO-WS  
ISSUED: December 14, 2004

ORDER GRANTING JOINT REQUEST TO SUSPEND DISCOVERY AND ALL EVENTS  
PENDING COMMISSION DECISION ON SETTLEMENT AGREEMENT

In December 8, 2004, Bayside Utility Services, Inc. (Bayside or utility) and the Office of Public Counsel (OPC) filed their Joint Motion Requesting Commission Approval of Settlement Agreement (Joint Motion). OPC had protested Proposed Agency Action Order No. PSC-04-0820-PAA-WS issued in this docket, and the protest was set for a formal hearing. Order No. PSC-04-1070-PCO-WS as amended set the controlling dates for the events in this proceeding. Pending Commission consideration of the Settlement Agreement, Bayside and OPC requested in their Joint Motion that the Commission suspend discovery and all events currently scheduled for this docket.

Until this Commission can address the comprehensive settlement and to avoid any unnecessary expense of further preparation for a hearing, the request to suspend discovery and all events is granted. Discovery and all events shall be suspended pending Commission consideration of the Settlement Agreement. The prehearing and hearing scheduled for February 7, 2005, and February 21-22, 2005, respectively, are canceled and will be rescheduled if needed.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the request filed by Bayside Utility Services, Inc., and the Office of the Public Counsel to suspend discovery and all events is granted pending Commission consideration of the Settlement Agreement.

DOCUMENT NUMBER-DATE

13158 DEC 14 8

FPSC-COMMISSION CLERK

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 14th day of December, 2004.

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(SEAL)

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 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.