

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to Resolve) DOCKET NO. 930885-EU
Territorial Dispute with Gulf) ORDER NO. PSC-94-0422-PCO-EU
Coast Electric Cooperative, Inc.) ISSUED: April 11, 1994
by Gulf Power Company)
_____)

ORDER GRANTING MOTION FOR EXTENSION OF STAY

On April 4, 1994, the parties to this territorial dispute filed a joint motion for extension of the 60 day stay of the proceedings that was granted by Order No. PSC-94-0128-PCO-EU, issued February 3, 1994. The motion stated that the parties have been negotiating a territorial agreement and request an additional 30 days, to May 4, 1994, to continue their negotiation. The parties also request that the present hearing date of August 15, 1994 remain in effect pending the 30 day extension and that the stay automatically expire when the extension period has run. If an agreement is not reached within the 30 day period, the parties request that all dates for filing testimony and discovery responses be reestablished based on the total number of days the stay was extended.

It is the Commission's longstanding policy to encourage the settlement of territorial disputes by the negotiation of territorial agreements between the parties. Those negotiations sometimes necessitate delays in the dispute hearing proceedings for a reasonable time period. The additional stay of the dispute proceedings for 30 days is a reasonable time, and it is, therefore,

ORDERED that to encourage the negotiation process in this case, the motion for extension of stay will be granted until May 4, 1994. It is further

ORDERED that the prehearing date of August 8, 1994 and the hearing date of August 15, 1994 will remain in effect. All other procedural dates will be reestablished either at the expiration of the stay or when the parties file a territorial agreement for Commission review, whichever is earlier.

BY ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 11th day of April, 1994.

 ASST. TO
J. TERRY DEASON, Chairman
and Prehearing Officer

(S E A L)
MCB:bmi

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), 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.