

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Staff-) ORDER NO. PSC-93-0777-PCO-WS
Assisted Rate Case in Pasco) DOCKET NO. 900025-WS
County by SHADY OAKS MOBILE-) ISSUED: May 20, 1993
MODULAR ESTATES, INC.)
_____)

ORDER CANCELLING PREHEARING AND HEARING

Pursuant to the timely protest of Shady Oaks Mobile-Modular Estates, Inc., (Shady Oaks or utility) to proposed agency action (PAA) Order No. PSC-92-1116-FOF-WS, issued October 5, 1992, the Commission scheduled a prehearing for May 21, 1993, and a hearing for June 4, 1993, in the above-captioned docket. The sole issue to be decided in the hearing is whether Shady Oaks should be relieved of the escrow requirement established in Order No. 24084, issued February 8, 1991.

In the Order resolving the Commission's show cause proceeding against Shady Oaks, Order No. PSC-93-0542-FOF-WS, issued April 9, 1993, the Commission ordered that a proceeding to reduce Shady Oaks' rates be initiated since Shady Oaks had neither expended funds for preventative maintenance nor constructed certain proforma plant items which were allowed in Shady Oaks' rates. It is the undersigned's understanding that within several weeks, the Commission staff intends to file a PAA recommendation addressing Shady Oaks' rates. Since the pending escrow question is basically a companion issue to the rates issue, staff will also address the escrow issue in the forthcoming PAA recommendation.

Accordingly, in the interest of administrative efficiency, I hereby cancel the May 21 prehearing and June 4 hearing previously scheduled. The pending escrow question will, in effect, be consolidated with the forthcoming rates proceeding. Although the necessity for a hearing in the rates proceeding is at this time undeterminable, if one is required, the escrow issue can be addressed at that time. I note that staff has conferred with counsel for Shady Oaks, who has agreed to this arrangement.

It is therefore,


ORDERED by Chairman J. Terry Deason that the prehearing scheduled for May 21, 1993, and the hearing scheduled for June 4, 1993, are hereby cancelled.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTS

By ORDER of Chairman J. Terry Deason this 20th day of
MAY, 1993.


J. TERRY DEASON, Chairman

(S E A L)

MJF

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.