

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Revocation by Florida) DOCKET NO. 930944-WS
Public Service Commission of) ORDER NO. PSC-94-0126-PCO-WS
Certificates Nos. 451-W and 382-) ISSUED: February 2, 1994
S Issued to SHADY OAKS MOBILE-)
MODULAR ESTATES, INC. in Pasco)
County, Pursuant to Section)
367.111(1), F.S.)
_____)

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY
AND
REVISING ORDER ESTABLISHING PROCEDURE

On September 23, 1993, this Commission, pursuant to Section 367.111(1), Florida Statutes, noticed its Intent to Initiate Revocation of Certificates Nos. 451-W and 382-S issued to Shady Oaks Mobile-Modular Estates, Inc. (Shady Oaks or utility). On October 18, 1993, Shady Oaks timely filed an objection to the Notice. Accordingly, this matter has been scheduled for an August 4-5, 1994, administrative hearing. By Order No. PSC-93-1779-PCO-WU (Order Establishing Procedure), issued December 13, 1994, dates for filing testimony in the above-referenced docket were established.

On January 18, 1994, Shady Oaks filed a Motion for Extension of Time in Which to Prefile Direct Testimony. In support of its Motion, Shady Oaks asserts that: 1) counsel for the utility and counsel for Staff have engaged in certain discussions regarding the burden of proof in this case and the current scheduling of the testimony; 2) allowance of additional time for the utility to file its testimony will not prejudice any party, Staff, nor the public; and 3) the additional time will allow the utility the opportunity to determine fully the pending issues so that the prefiled testimony will be more responsive and substantive.

Upon review of the utility's Motion, it appears that the utility's request is reasonable. Allowing the utility additional time in which to prefile its testimony will result in no harm to the customers, to any party involved in this case, nor to Staff. Therefore, Shady Oaks' Motion for Extension of Time in Which to Prefile Direct Testimony is granted. As a result, Order No. PSC-93-1779-PCO-WU is hereby revised to the extent set forth below. However, Order No. PSC-93-1779-PCO-WU is affirmed in all other respects.

DOCUMENT NUMBER-DATE

01068 FEB-23

FPSC-RECORDS/REPORTING

- | | |
|--|----------------|
| 1) Utility's direct testimony
and exhibits, if any | March 3, 1994 |
| 2) Intervenors' direct testimony
and exhibits, if any | March 31, 1994 |
| 3) Staff's direct testimony
and exhibits, if any | March 31, 1994 |

Based on the foregoing, it is therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Shady Oaks Mobile-Modular Estates, Inc.'s Motion for Extension of Time in Which to Prefile Direct Testimony is hereby granted. It is further

ORDERED that Order No. PSC-93-1779-PCO-WU, Order Establishing Procedure, is hereby revised to the extent set forth in the body of this Order. It is further

ORDERED that Order No. PSC-93-1779-PCO-WU is reaffirmed in all other respects.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 2nd day of February, 1994.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

LAJ

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.