

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for amendment of Certificate No. 247-S by NORTH FORT MYERS UTILITY, INC. and cancellation of Certificate No. 240-S issued to LAKE ARROWHEAD VILLAGE, INC. in Lee County.)	DOCKET NO. 930373-SU
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In Re: Application for limited proceeding for approval of current service rates, charges, classifications, rules and regulations, and service availability policies for customers of LAKE ARROWHEAD VILLAGE, INC. in Lee County, by NORTH FT. MYERS UTILITY, INC.)	DOCKET NO. 930379-SU ORDER NO. PSC-94-0990-PHO-SU ISSUED: August 16, 1994

ORDER MODIFYING PREHEARING ORDER

On August 10, 1994, this Commission issued Prehearing Order No. PSC-94-0966-PHO-SU, which set forth, inter alia, the witnesses, exhibits, issues and positions to be addressed at the August 17, 1994 hearing.

On August 12, 1994, the Office of Public Counsel (OPC) filed a Motion to Amend the Prehearing Order. In its motion, OPC states that the parties have entered into an Addendum to a stipulation previously approved by the Commission in Order No. PSC-94-0737-FOF-SU. In the previous stipulation, the parties had agreed to limit the controversy in this docket. In the Addendum to the Stipulation the parties have agreed to eliminate one of the issues to be considered in this docket. The parties have also agreed that any testimony and exhibits pertaining to Issue 2, 2(a), 2(b), and 2(c) shall not be made a part of the record of the proceeding. OPC's motion requests that the Commission amend Order No. PSC-94-0966-PHO-SU to delete Issues 2, 2(a), 2(b) and 2(c). OPC states that all parties have joined in the motion.

Upon consideration and review, the motion is hereby granted and Order No. PSC-94-0966-PHO-SU is amended to delete Issues 2, 2(a), 2(b) and 2(c). Any testimony and exhibits pertaining to those issues shall be stricken from the record in this docket. Order No. PSC-94-0966-PHO-SU is reaffirmed in all other respects.

DOCUMENT NUMBER-DATE
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Based upon the foregoing, it is therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Motion to Amend the Prehearing Order is hereby granted. It is further

ORDERED that Order No. PSC-94-0966-PHO-SU is amended as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-94-0966-PHO-SU is reaffirmed in all other respects.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 16th day of August, 1994.


DIANE K. KIESLING, 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 120.59(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.