

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for)	DOCKET NO. 921237-WS
Amendment of Certificates Nos.)	
298-W and 248-S in Lake County)	
by JJ'S MOBILE HOMES, INC.)	
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In Re: Investigation Into)	DOCKET NO. 940264-WS
Provision of Water and)	ORDER NO. PSC-95-0735-PCO-WS
Wastewater Service by JJ'S)	ISSUED: June 20, 1995
MOBILE HOMES, INC. to its)	
Certificated Territory in Lake)	
County.)	
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ORDER GRANTING MOTIONS

This order addresses three procedural matters filed by the parties in this docket. Each motion is addressed below.

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE BRIEF AND STATEMENT OF ISSUES AND POSITIONS

On February 15, 1995, the Commission issued Order No. PSC-95-0208-PCO-WS, establishing the procedure and key activities for this case. The Commission held a hearing on May 11 and 12, 1995, in Leesburg and Mt. Dora, Florida. Order No. PSC-95-0208-PCO-WS stated that briefs should be filed on June 9, 1995. Transcripts of the hearing were scheduled to be filed on May 26, 1995.

On May 31, 1995, JJ's Mobile Homes, Inc. (JJ's) filed a Motion For an Extension of Time to File Brief and Statement of Issues and Positions. In its motion, JJ's stated that parties had difficulties in receiving transcripts after their issuance. By Order No. PSC-95-0699-PCO-WS, issued June 12, 1995, the motion was granted. All parties were permitted to file their briefs by June 16, 1995. That order noted that as of May 29, 1995, the City of Mt. Dora (Mt. Dora) had not yet received a copy of the transcripts.

On June 13, 1995, Mt. Dora filed a motion for extension of time to file its brief and statement of issues and positions. In support of its motion, Mt. Dora states that it has tried unsuccessfully for approximately two weeks to obtain copies of the transcript from the Commission's Division of Records and Reporting. However, as of June 13, 1995, Mt. Dora has not received a copy of the transcripts. Therefore, Mt. Dora requests an extension of time in order to file its brief and statement of issues and positions. Mt. Dora states that it requires approximately 10 days after receiving the transcripts to prepare its post-hearing filings.

Mt. Dora has proposed that while the other parties may file their briefs on the due date of June 16, 1995, Mt. Dora will agree not to review or discuss JJ's post-hearing filings prior to filing its own brief at a later date. While this is a tenable solution

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in the interest of fairness, I find it appropriate to grant all parties an extension of time in order to file their briefs and statements of issues and positions. Therefore, all parties shall be permitted to file their briefs and statements of issues and positions on or before June 29, 1995. Because this will result in briefs being filed approximately three weeks past the originally scheduled date, it may be appropriate to reschedule the filing of the staff recommendation and Special Agenda in this docket. The parties will be notified of this rescheduling.

ORDER GRANTING MOTION TO SUPPLEMENT RECORD,

On May 15, 1995, JJ's filed a motion to supplement the record in this docket. JJ's states that during the formal hearing on May 11-12, 1995, JJ's presented a document described as a utility agreement dated December 18, 1979, between Dora Pines, Inc. and JJ's Mobile Homes, Inc., and labeled as Exhibit 31. JJ's believes that through oversight of counsel, the document was not moved into evidence. JJ's notes that the document was subject to all of the appropriate objections at the time of the hearing, and that no party would be prejudiced by its admission at this time. Therefore, JJ's requests that the record be supplemented to include the document. No parties have filed objections to this motion.

Because the document was not moved into evidence due to an oversight, and no objection has been made, I find it appropriate to grant JJ's motion. The record in this matter shall be supplemented to include the above-referenced document identified as Exhibit 31.

ORDER GRANTING MOTION TO MODIFY PAGE LIMITATION

By Order No. PSC-93-0147-PCO-WS, issued January 28, 1993, a limit of 50 pages was imposed on all-post hearing memorandum. On June 13, 1995, JJ's filed a motion to modify the page limit. JJ's states that the number and complexity of issues and number of parties constitutes good cause for raising the page limit to 60 pages, which is the limitation imposed by Rule 25-22.056(1)(d), Florida Administrative Code. JJ's advises in its motion that all of the parties have no objection to the raising of the page limit. In consideration of JJ's arguments, I find it appropriate to raise the page limit for all post-hearing memorandum to 60 pages. Order No. PSC-93-0147-PCO-WS is modified to incorporate that change.

Based on the foregoing, it is


ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the City of Mt. Dora's motion for an extension of time to make its post-hearing filings is hereby granted. Furthermore, all parties will be given until June 29, 1995 to make their post-hearing filings. It is further

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ORDERED that JJ's Mobile Homes, Inc.'s motion to supplement the record to include the document identified as Exhibit 31 is hereby granted. It is further

ORDERED that JJ's Mobile Homes, Inc.'s motion to modify the page limit of all post-hearing filings to 60 total pages is hereby granted and Order No. PSC-93-0147-PCO-WS is modified accordingly.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 20 day of June, 1995.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

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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.