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May 19, 2000

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
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00 MAY 19 AM 11:42
RECORDS AND REPORTING

Re: Docket No. 980242-SU

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Lindrick Service Corporation ("Lindrick") are the original and fifteen copies of Lindrick's Second Motion for Abatement and Continuance.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

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FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Amended Petition of Lindrick)	
Service Corporation for a Limited)	Docket No. 980242-SU
Proceeding to Implement a Two-Step)	
Increase in Wastewater Rates.)	Filed: May 19, 2000
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LINDRICK SERVICE CORPORATION'S SECOND MOTION FOR ABATEMENT AND CONTINUANCE

Lindrick Service Corporation ("Lindrick"), by and through its undersigned counsel, hereby moves for a second abatement and continuance of this proceeding, and as grounds therefor, states as follows:

1. This docket was opened in response to a Petition for a Limited Proceeding to Implement a Two-Step Increase in Wastewater Rates filed by Lindrick on February 12, 1998. Since the filing of the initial petition, Lindrick has amended its Petition twice. Lindrick's Second Amended Petition for a Limited Proceeding to Implement a Two-Step Increase in Wastewater Rates remains pending before the Commission.

2. The Commission has granted Lindrick two increases in wastewater rates in this docket. By Order issued May 20, 1999, the Commission granted Lindrick an emergency rate increase in wastewater rates. See Order No. PSC-99-1010-PCO-SU. Subsequently, by Order issued September 21, 1999, the Commission granted Lindrick increased temporary wastewater rates. See Order No. PSC-99-1883-PAA-SU. Both of these rate increases were made subject to refund. Lindrick has filed an Amended Irrevocable Letter of Credit with the Commission securing both of the rate increases in the event any refunds are ordered by the Commission.

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3. On November 18, 1999, the Office of Public Counsel ("OPC") served its First Set of Interrogatories and First Request for Production of Documents on Lindrick. Subsequently, on December 14, 1999, the Commission Staff served its First Set of Interrogatories and First Request for Production of Documents on Lindrick.

4. Lindrick filed motions for extensions of time to file objections and serve responses to the above-referenced discovery requests based, in part, on Lindrick's belief that the City of Port Richey, Florida ("City") would pass a resolution to purchase the assets of Lindrick. As Lindrick stated in these motions for extension of time, a decision by the City to purchase Lindrick could eliminate the need for a final hearing and it appeared prudent to avoid the expenditure of costs by Lindrick to file objections and serve responses to OPC/Staff pending discovery requests until the City made a decision on whether it intended to purchase Lindrick.¹

5. By Order December 30, 1999, the prehearing officer granted Lindrick's motions for extensions of time and ordered Lindrick to serve objections to all outstanding discovery no later than January 15, 2000 and responses not subject to objections no later than February 4, 2000. See Order No. PSC-99-2555-PCO-SU.

6. On January 11, 2000, the City unanimously passed a resolution to acquire the assets of Lindrick. As of this date, meetings and negotiations between Lindrick and the City have not culminated in an agreement for the City to purchase Lindrick's assets. The City has not rescinded its January 11, 2000 resolution to acquire Lindrick's assets although it has, at this time, formally

¹See Lindrick's Motion for Extension of Time for filing Objections and Serving Responses to OPC's First Set of Interrogatories and First Request for Production of Documents filed December 1, 1999 and Lindrick's Second Motion for Extension of Time for Filing Objections and Serving Responses to Pending Discovery Requests filed December 22, 1999.

terminated negotiations with Lindrick for the purchase of Lindrick's assets. Lindrick continues to explore options for the purchase of its assets.

7. Based on the January 11, 2000 resolution passed by the City, on January 26, 2000, Lindrick filed a Motion for Abatement and Continuance (and Request for Expedited Ruling) of this proceeding to allow Lindrick and the City a reasonable amount of time to attempt to consummate a purchase and sale agreement. Lindrick's motion was granted in part and denied in part by the Prehearing Officer pursuant to Order No. PSC-00-0269-PCO-SU issued February 8, 2000. Pursuant to the Order, discovery was abated through May 31, 2000; new controlling dates were established for the filing of testimony, prehearing statements and for the prehearing conference and final hearing; and a report was to be filed by May 31, 2000 regarding the status of the sale to Lindrick.

8. More recently, Lindrick and its customers, represented by the Office of Public Counsel ("OPC"), have pursued negotiations toward a final settlement of this docket. Based on discussions thus far, Lindrick believes that there is a reasonable prospect for this case to settle and thereby avoid the unnecessary expenditure of time, rate case expense and resources on preparing for and proceeding through final hearing. In the meantime, pending the conclusion of settlement negotiations (or still possibly, a closure on the sale of Lindrick), Lindrick's customers will remain fully protected for any refund requirement by the Amended Irrevocable Letter of Credit on file with the Commission.

9. Lindrick maintains that the time and resources of the parties, the Commission staff and the Commission will be appropriately and prudently conserved by a second abatement and continuance of this proceeding pending the disposition of the settlement negotiations described above. Lindrick requests that all current controlling dates reflected in Order No. PSC-00-0269-PCO-

SU be cancelled and rescheduled following the filing of a report (update) by Lindrick on or before June 30, 2000 regarding the progress and status of the settlement negotiations (and, if applicable, the potential sale of Lindrick). Lindrick further requests that the new dates for final hearing, if a final hearing becomes necessary, be scheduled prior to March 1, 2001.

10. Counsel for Lindrick has conferred with counsel for OPC and is authorized to represent that OPC does not object to the relief requested by Lindrick in this Motion.

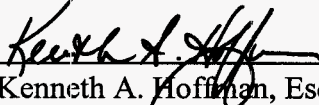
WHEREFORE, for the foregoing reasons, Lindrick respectfully requests that the prehearing officer enter an Order:

A. Granting a second abatement and continuance of this proceeding, including an abatement of all pending obligations to file objections and/or responses to pending discovery requests;

B. Rescheduling the filing of Lindrick's status report on the progress and status of settlement negotiations as described above from May 31, 2000 to June 30, 2000; and

C. Cancelling the controlling dates, including the final hearing dates, reflected in Order No. PSC-00-0269-PCO-SU with new controlling dates to be established after the filing of the status report described above on or before June 30, 2000 which new dates, if established, would include final hearing dates prior to March 1, 2001.

Respectfully submitted,



Kenneth A. Hoffman, Esq.

John R. Ellis, Esq.

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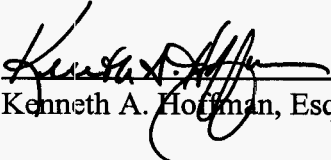
(850) 681-6515 (Telecopier)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand delivery to the following this 19th day of May, 2000:

Ralph Jaeger, Esq.
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