



Public Service Commission

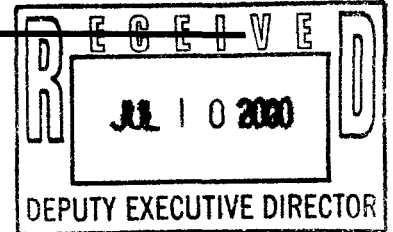
-M-E-M-O-R-A-N-D-U-M-

DATE: July 10, 2000

TO: Dr. Mary Bane, Deputy Executive Director (Technical)

FROM: Jennifer Brubaker, Division of Legal Services *JSB*
Billie Messer, Division of Regulatory Oversight *RM*

RE: Deferral of Item No. 26 - Docket No. 981781-SU - Application for amendment of Certificate No. 247-S to extend service area by the transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc.



The recommendation for Item No. 26 on the July 11, 2000, Agenda Conference addresses a mediated settlement agreement between the parties to this docket and the Office of Public Counsel's (OPC) emergency request for rule variance or waiver.

The mediated agreement specifies that, as a condition precedent to the Commission's consideration of that agreement, a separate agreement shall be executed between the mobile park owner, MHC-DeANZA Financial Limited Partnership Service (MHC), and the Buccaneer Estates residents to dispose of the existing circuit court dispute under Chapter 723, Florida Statutes (Mobile Home Act). Pursuant to a telephone conference today with Mr. Ken Gatlin, counsel for MHC, staff learned that this separate agreement had in fact not yet been executed, nor would it be finalized in time for the July 11, 2000 Agenda Conference.

It was therefore verbally requested that Item 26 be deferred so that additional time may be afforded to finalize and execute the Chapter 723 agreement. Staff has contacted all but one of the parties to the mediated settlement agreement, and they have concurred with this request for deferral. Staff has not yet been able to contact Mr. Ludington, who is currently in residence in Canada; however, staff has left a message at Mr. Ludington's residence and does not expect that he will object to the requested deferral. OPC has also agreed to waive the time limits for the Commission to consider its emergency waiver request until the next scheduled Agenda Conference, pursuant to Rule 28-104.005, Florida Administrative Code.

Staff agrees that the execution of the Chapter 723 agreement is a condition precedent to the Commission's consideration of the mediated settlement agreement. Therefore, staff recommends that the request for deferral be granted, and that Item No. 26 should be deferred.

- APP
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- OPC
- PAI
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- SER
- OTH

JSB/lw

cc: Division of Regulatory Oversight (Redemann)
Division of Legal Services (Gervasi)

Recommend Approval
MAB

D.K.

WBB

Chairman

DOCUMENT NUMBER - DATE

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