

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request for hearing by Linda J. McKenna and 54 petitioners regarding unfair rates and charges of Shangri-La by the Lake Utilities, Inc. in Lake County.

DOCKET NO. 990080-WS

FILED:

STAFF'S MOTION FOR ABEYANCE OF PREFILED TESTIMONY FILING DATE

The Staff of the Florida Public Service Commission (Staff), pursuant to Rule 25-106.204, Florida Administrative Code, by and through its undersigned attorney, hereby requests that Staff's prefiled testimony filing date be held in abeyance pending the outcome of the Agenda Conference on November 7, 2000, and in support thereof states as follows:

1. Staff's prefiled testimony is currently scheduled to be filed on October 31, 2000.

2. The prehearing and hearing in this matter are scheduled for November 27, 2000, and December 13, 2000, respectively.

3. On October 2, 2000, Shangri-La by the Lake Utilities, Inc. (Shangri-La) and the Office of Public Counsel (OPC) filed a Joint Motion for Extension of Time to File Prefiled Testimony

(Motion for Extension) and on October 13, 2000, the parties filed

a Joint Motion to Approve Settlement Agreement.

- APP _____
- CAF _____
- CMP _____
- COM 5 _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC 1 _____
- SER _____
- OTH _____

DOCUMENT NUMBER-DATE

14012 OCT 30 8

FPSC-RECORDS/REPORTING

4. By the Motion for Extension, Shangri-La sought to file its prefiled testimony on October 10, 2000, instead of on October 2, 2000. However, on October 6, 2000, OPC orally modified the Motion for Extension to extend the requested date to October 26, 2000. The Motion for Extension requested that Shangri-La's prefiled testimony filing date be moved because OPC was having difficulty getting approvals and execution of the settlement agreement due to the fact that some of the customers are out of town during this time of the year.

5. On October 26, 2000, Staff filed a recommendation to approve the Motion for Settlement. In addition, Staff recommended that, if the settlement agreement is approved, it will be unnecessary for the Commission to rule upon the Motion for Extension because it will be rendered moot. Staff's recommendation is currently scheduled to be heard by the Commission on November 7, 2000.

6. If the Commission approves Staff's recommendation by accepting the settlement agreement, there will be no need for Staff to prefile testimony at all. If the Commission rejects the settlement agreement, Staff recommends that the controlling,

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prehearing, and hearing dates should be rescheduled and Shangri-La's testimony should be filed in advance of Staff's testimony.

7. Staff counsel has contacted counsel for Shangri-La and OPC, and they have stated that they are not opposed to this Motion.

WHEREFORE, Staff requests that its prefiled testimony filing date be held in abeyance pending the outcome of the Commission's decision regarding the Motion to Approve Settlement Agreement.

Respectively submitted on this 30th day of October, 2000.



D. Tyler Van Leuven
Staff Attorney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Staff's Motion for Abeyance of Prefiled Testimony Filing Date was furnished to **Martin Friedman, Esquire**, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Dr., Tallahassee, Florida 32301, **Jack Shreve and Stephen Burgess, Esquires**, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison St., #812, Tallahassee, Florida 32399-1400, and **Ms. Linda J. McKenna**, 5 Tarkiln Hill Road, Raymond, ME 04071 by U.S. Mail, on this 30th day of October, 2000.



D. Tyler Van Leuven, Esquire

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