

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

THE COLONY BEACH & TENNIS CLUB,)	
LTD.,)	
)	991680-ET
Petitioner,)	
)	
vs.)	Case No. 00-1117
)	
FLORIDA POWER AND LIGHT,)	
)	
Respondent,)	
)	
and)	
)	
FLORIDA PUBLIC SERVICE)	
COMMISSION,)	
)	
Intervenor.)	
)	

ORDER

On November 17, 2000, as provided by notice, the undersigned Administrative Law Judge conducted a hearing on Respondent, Florida Power and Light Company's Motion for Summary Recommended Order of Dismissal and Petitioner, Colony Beach and Tennis Club, Ltd.'s, Motion for Finding of Facts and Summary Final Order. The parties were represented by counsel of record.

After considering the parties' thorough argument and discussion, it is hereby

ORDERED:

1. The two subject motions are DENIED. There are too many disputed issues of material fact to warrant the summary

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disposition sought by either party. See Rule 28-106.204(4), Florida Administrative Code.

2. Counsel for the parties will confer and suggest dates in January 2001, for scheduling the final hearing.

3. The parties, including Intervenor, the Florida Public Service Commission, have agreed that the Administrative Law Judge may conduct bifurcated hearings prior to submitting a recommended order to the Public Service Commission. The first hearing will be on all issues related to whether Petitioner is entitled to the relief it seeks (a refund from Respondent). If required, a subsequent hearing will address the amount of such refund.

DONE AND ORDERED this 21st day of November, 2000, in Tallahassee, Leon County, Florida.



MARY CLARK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

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COPIES FURNISHED:

Blanca Bayo, Director of Records
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Bernard F. Daley, Esquire
The Law Office of Bernard F. Daley, Jr.
901 North Gadsden Street
Tallahassee, Florida 32303

Robert V. Elias, Esquire
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Kenneth A. Hoffman, Esquire
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Post Office Box 551
Tallahassee, Florida 32302-0551

Marc D. Mazo
14252 Puffin Court
Clearwater, Florida 33762

Katrina Walker
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 370
Tallahassee, Florida 32399-0850