

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

DOCKET NO. 000277-WS
ORDER NO. PSC-01-0540-PCO-WS
ISSUED: March 7, 2001

ORDER GRANTING REQUEST FOR ABEYANCE OF ALL FILING REQUIREMENTS
PENDING DECISION ON SETTLEMENT AGREEMENT

On March 2, 2000, North Fort Myers Utility, Inc. (NFMU) filed an application for approval of the transfer of the facilities and Certificates Nos. 353-W and 309-S currently held by MHC Systems, Inc. d/b/a FFEC-Six (MHC) to NFMU. On May 18, 2000, Mr. Alexander William Varga, a customer, filed an objection to the transfer application. On May 30, 2000, NFMU filed a Motion to Dismiss Mr. Varga's objection. By Order No. PSC-00-1649-PCO-WS, issued September 15, 2000, NFMU's motion was denied. Accordingly, this matter has been set for an administrative hearing.

By Order No. PSC-00-2349-PCO-WS, issued December 12, 2000, the petitions for intervention by Pine Lakes Homeowners Association II, Inc. and Pine Lakes Estates Homeowners' Association were granted. Further, NFMU's request for official recognition was granted in part.

By Order No. PSC-01-0360-PAA-WS, issued February 9, 2001, NFMU's Motion for Summary Final Order was denied and its Motion to Strike Untimely Filed Response was granted. Moreover, by proposed agency action, rate base at the time of the transfer was set and an acquisition adjustment was excluded from the calculation of rate base if the transfer application is approved at a later date. Further, NFMU was ordered to continue charging the rates and charges approved for MHC until authorized to change by this Commission in a subsequent proceeding.

On February 27, 2001, the parties filed a Joint Motion to Approve Settlement Agreement, which, if approved, will obviate the

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need for a hearing in this matter. Along with the Joint Motion, the parties request that all filing requirements of the parties be held in abeyance pending the Commission's consideration of the Settlement Agreement.

The parties' request to hold all filing requirements in abeyance pending the Commission's consideration of the Settlement Agreement is reasonable as it prevents what may be the unnecessary expenditure of time and funds. Accordingly, the request is hereby granted. All filing requirements of the parties and Commission staff (staff), including responses to all outstanding discovery requests, shall be held in abeyance pending a ruling on the Settlement Agreement by the Commission. Also, the May 14, 2001, prehearing and the May 31 through June 1, 2001, hearing dates are hereby canceled. Staff will file a recommendation on the Settlement Agreement for the Commission's consideration at an upcoming agenda conference.

This order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is

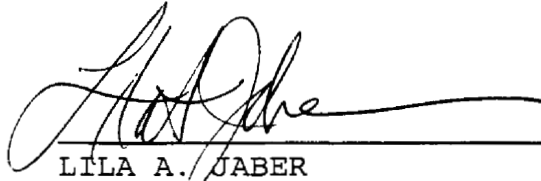
ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that North Fort Myers Utility, Inc., MHC Systems, Inc., Alexander William Varga, Pine Lakes Estates Homeowners Association, and Pine Lakes Homeowners Association, II, Inc.'s request to hold all filing requirements of the parties in abeyance pending the full Commission's consideration of the Joint Motion to Approve Settlement Agreement is hereby granted. It is further

ORDERED that all filing requirements of the parties and Commission staff, including responses to all outstanding discovery requests, shall be held in abeyance pending a ruling on the Settlement Agreement by the full Commission. It is further

ORDERED that the May 14, 2001, prehearing and the May 31 through June 1, 2001, hearing dates are hereby canceled.

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 7th day of March, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

RG/SMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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,

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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.