

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Petition by) DOCKET NO. 981609-WS
D.R. Horton Custom Homes, Inc.)
to eliminate authority of)
Southlake Utilities, Inc. to)
collect service availability)
charges and AFPI charges in Lake)
County)
_____)
In re: Complaint by D.R. Horton)
Custom Homes, Inc. against) DOCKET NO. 980992-WS
Southlake Utilities, Inc. In)
Lake County regarding collection of) FILED: April 24, 2001
Certain AFPI)
_____)

JOINT MOTION FOR CONTINUANCE

Pursuant to Rule 1.460, Florida Rules of Civil Procedure, and Rule 28-106.204, Florida Administrative Code ("FAC"), Southlake Utilities, Inc. ("Southlake"), and D. R. Horton Custom Homes, Inc., ("Horton"), by and through the undersigned attorneys, hereby jointly move the Florida Public Service Commission ("Commission") to grant a continuance in this docket, and as grounds therefore, state as follows:

1. A hearing before the Commission on the matters in these dockets is scheduled for May 10, 2001.
2. The parties are pursuing a negotiated settlement of their dispute which would address concerns of the respective parties, including, but not limited to, the amount of refunds.
3. The parties have met with each other and believe that they have reached a settlement of their dispute.

DOCUMENT NUMBER-DATE

05109 APR 24 01

FPSC-RECORDS/REPORTING

4. Southlake and Horton are in the process of drafting settlement documents.

5. The drafting of the settlement documents is currently proceeding satisfactorily; however, the documents are not anticipated to be completed prior to April 25, 2001. The latest date to provide and publish notice of the May 10, 2001, hearing is April 26, 2001. It is apparent to the parties that the settlement documents will not be completed, fully reviewed by the Staff, and then approved by the Commission on or before April 26, 2001. The parties believe that they have settled the dispute between themselves and that to continue to proceed with the upcoming notices, depositions, requests to produce, and the April 30, 2001, prehearing conference in order to conduct the hearing on May 10, 2001 would be cost ineffective and would not be conducive to facilitate a settlement.

6. Southlake & Horton anticipate that the Settlement Agreement will be completed, executed and filed with the Commission on or before May 7, 2001.

7. Members of the Staff have advised the parties that a replacement hearing date of August 24, 2001, is available.

8. Both Southlake and Horton state that it is in the best interest of all concerned for the Commission to continue the hearing date until August 24, 2001, at the latest, and to

reschedule the prehearing conference accordingly. There will be no prejudice to any party.

9. The requested continuance in the proceedings may result in the resolution of this matter and avoid a substantial expenditure of unnecessary time and expense for the Commission and the parties if the parties can resolve their dispute amongst themselves.

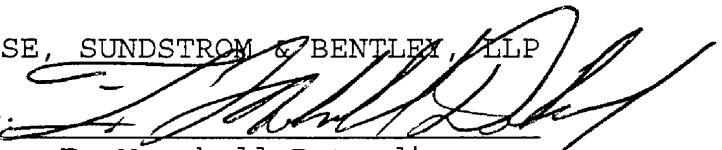
10. The parties also agree that the dates for providing responses to requests for production and conducting the depositions of various witnesses should also be continued to dates agreed upon by the parties and the Staff consistent with the new hearing date:

11. WHEREFORE, Southside and Horton move the Commission to extend the date for the hearing until August 24, 2001, at the latest, and to reschedule the prehearing conference accordingly.

Respectfully submitted this 24th day of April 2001.

ADE & SCHILDBERG, P.A.
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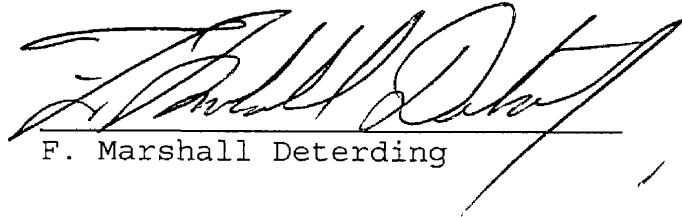
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Attorney for D.R. Horton
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen (15) copies of the Joint Motion for Continuance have been furnished by hand delivery, this 24th day of April 2001, to Blanca Bayo, Director, Department of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and a copy of the foregoing has been furnished to Rosanne Gervasi and Samantha Cibula, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 by hand delivery, this 24th day of April 2001, and a copy of the foregoing has been furnished to James L. Ade and Scott G. Schildberg, One Independent Drive, Suite 2000, Jacksonville, Florida 32202, by telecopy this 24th day of April 2001.



F. Marshall Deterding