

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of limited proceeding to restructure wastewater rates for Florida Water Service Corporation's Tropical Isles service area in St. Lucie County.

DOCKET NO. 970409-SU
ORDER NO. PSC-01-1770-PCO-SU
ISSUED: August 30, 2001

THIRD ORDER GRANTING JOINT
MOTION FOR ABATEMENT AND CONTINUANCE

By Order No. PSC-00-2034-PCO-SU, issued June 12, 2000, controlling dates and hearing dates were established in this docket. On July 3, 2000, Order No. PSC-00-1197-PCO-SU was issued, granting the Joint Motion for Abatement and Continuance filed by Florida Water Services Corporation (Florida Water or utility) and the Office of Public Counsel (OPC). That Order required the parties to file a progress report by July 31, 2000, concerning the status of the sale of the utility. The progress report was filed on July 31, 2000, and the parties stated that they continue to work on and move toward resolution of the specific terms of the purchase agreement.

On October 26, 2000, Florida Water and OPC filed their Second Joint Motion for Abatement and Continuance of all controlling dates, including the hearing dates for a period of ninety days. The Second Joint Motion was granted by Order No. PSC-00-2135-PCO-SU, issued November 8, 2000. On July 16, 2001, Florida Water closed on the sale of the Tropical Isles wastewater facilities, subject to Commission approval, to an exempt entity comprised of and controlled by the Tropical Isles customers.

On August 28, 2001, Florida Water and OPC filed their Third Joint Motion for Abatement and Continuance (Third Joint Motion). In the Third Joint Motion, Florida Water and OPC request a full abatement and continuance of all controlling dates, including the hearing dates pending this Commission's approval of Florida Water's anticipated application for approval of the sale of the Tropical Isles land and facilities and cancellation of Florida Water's wastewater certificate for the Tropical Isles service area in St. Lucie County. Florida Water and OPC maintain that the time and

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resources of the parties, the Commission and our staff, would be conserved by the abatement and continuance of this proceeding pending the disposition of the anticipated application.


In consideration of the foregoing, the Third Joint Motion shall be granted. All controlling dates, including the hearing dates, shall be held in abeyance pending the disposition of the forthcoming transfer application.

Based on the foregoing, it is

ORDERED by Commissioner Braulio Baez, as Prehearing Officer, that the Third Joint Motion for Abatement and Continuance filed by Florida Water Services Corporation and the Office of Public Counsel is granted. It is further

ORDERED that all controlling dates are held in abeyance pending the disposition of the anticipated transfer application.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 30th day of August, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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

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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 the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.