

**ORIGINAL**  
**REQUEST FOR CHANGE TO AGENDA CONFERENCE**  
**HAND DELIVER**

Date of Request: 05/14/03 Date-of Agenda Conference May 20, 2003 Item No 13

Docket No.: 030102-WS Brief Title: Application for Authority to transfer The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation

Requested by:  Staff  Other Martin S. Friedman for the Utility

Please attach a copy of the written documentation filed (if other) \_\_\_\_\_ (Name)

STAFF's Recommendation to Executive Suite (IF OTHER)  Approve Request  Deny Request

**ACTION REQUESTED [see APM 2.11 and SOP 1607]**

Defer Item to Agenda Scheduled Date: June 3, 2003

Change Order of Item or Take Up at Time Certain

Withdraw Item

Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**

Add Item to Published Agenda [ see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE

Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Mr. Friedman, attorney for The Woodlands/LP Utilities, Corporation, requested deferral to June 3, 2003, because he has a previously scheduled hearing in circuit court in Orlando, Florida on May 20, 2003.

Signature (OPR Staff): *[Signature]*

Initials (OPR Division Director or Designee): *JDS*

Signature (Legal Staff): *[Signature]*

Initials (Legal Division Director or Designee): *[Signature]*

**DEPUTY EXECUTIVE DIRECTOR/TECHNICAL OR EXECUTIVE DIRECTOR:**

Recommendation to the Chairman's Office  Approve Request  Deny Request

Initials: *MAB* Date: *5/15/03*

Comments:

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

**CHAIRMAN's OFFICE:**  Approve Request  Deny Request

Initials: *QC* Date: *5/12/03*

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

*Blanca Kay*  
*Sandy Rose*  
PSC/EXD-1 (08/01)

DOCUMENT NUMBER DATE

04333 MAY 15 8

FPSC-COMMISSIONER OR CLERK

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(LICENSED IN TEXAS ONLY)

May 13, 2003

VIA FACSIMILE (850) 413-6017

Ms. Mary Bane, Executive Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 030102-WS; Application of L.P. Utilities Corporation for  
Authority to Sell, Assign or Transfer Certificate and Utility Facilities  
Our File No.: 37074.02

Dear Ms. Bane:

On May 12, 2003, I received notice that the Commission is going to take action on the above-reference matter at its May 20, 2003, Agenda. The CASR provided to me by the Clerk's office listed July 1, 2003, as the scheduled Agenda date. Although I understand that those dates are subject to revision, I have received nothing from the Commission advising of the change in that time schedule. Thus, I docketed that matter on my calendar for July 1, 2003. Based upon my many years of experience with the Public Service Commission, it is very rare that a matter is taken up in advance of a scheduled date. Since I was not advised of the change in the date for the Agenda Conference, I have previously scheduled a hearing in circuit court in Orlando, Florida for 9:00 a.m., for Tuesday, May 20, 2003. It is not possible for me to be in both places at the same time. Thus, I request that this matter be deferred until the Commission's next Agenda on June 3, 2003. I am the only attorney familiar with this docket, and thus, it would not serve my client well to have one of the other attorneys in my office appear on behalf of the Utility. Similarly, I am the only attorney who is able to handle the circuit court case hearing.


I understand that there may some objection by the PSC Staff to a deferral since they believe that the Commission taking action on this matter may help them in

Ms. Mary Bane, Executive Director  
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connection with an upcoming hearing in another docket involving the Utility. If that is true, then I do not think it is appropriate for the Staff to be able to manipulate the system to its perceived advantage.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

MSF/dmp

cc: Mr. John Lovelette  
Larry Harris, Esquire (via facsimile)