

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Public Utilities Company.

DOCKET NO. 080366-GU
ORDER NO. PSC-09-0722-PCO-GU
ISSUED: October 30, 2009

ORDER GRANTING MOTION TO HOLD SCHEDULE IN ABEYANCE

On October 23, 2009, Florida Public Utilities Company (FPUC or Utility) filed its Motion to Hold Schedule in Abeyance (Motion). The Office of the Public Counsel (OPC) had protested Proposed Agency Action Order No. PSC-09-0375-PAA-WS issued in this docket, and the protest was set for a formal hearing. Order No. PSC-09-0520-PCO-WS set the controlling dates for the events in this proceeding. Further, on October 27, 2009, FPUC filed its Motion to Approve Stipulation and Settlement and attached the Stipulation and Settlement to that motion. Pending Commission consideration of the Stipulation and Settlement, FPUC requests that the Commission hold the schedule in abeyance. FPUC states that OPC has no objection to the Commission granting the abeyance.

Until this Commission can address the proposed settlement, and to avoid any unnecessary expense of further preparation for a hearing, the request to hold the schedule in abeyance is granted. Discovery and all events shall be suspended pending Commission consideration of the Stipulation and Settlement. The service hearings and hearing scheduled for November 12 and 13, 2009, and December 7-9, 2009, respectively, are canceled and will be rescheduled if needed. Also, the Prehearing Conference scheduled for November 20, 2009, is canceled and will be rescheduled, if necessary.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the request filed by Florida Public Utilities Company, with the Office of the Public Counsel not objecting, to hold the schedule in abeyance is granted pending Commission consideration of the Stipulation and Settlement.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 30th day of October, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(SEAL)

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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; or (2) 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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.