BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

) DOCKET NO. 940331-EU) ORDER NO. PSC-94-1270-PCO-EU) ISSUED: October 13, 1994)

ORDER GRANTING JOINT MOTION TO DELAY HEARING AND REVISED ORDER ESTABLISHING PROCEDURE

On April 1, 1994, Suwannee Valley Electric Cooperative, Inc. (Suwannee) filed a Petition to Resolve a Territorial Dispute with Florida Power Corporation (FPC) in Lafayette County. FPC filed its Answer on April 21, 1994. By Order No. PSC-94-0520-PCO-EU, issued May 2, 1994, this matter was set for formal hearing on October 26, 1994. Subsequently, on May 23, 1994, the parties filed a Joint Motion for a Stay of the Proceeding which was granted by Order No. PSC-94-0660-PCO-EU. However, the Order provided that if no resolution was reached within ninety days the matter would be reset for hearing. The parties were unable to reach a resolution by that date and, on June 17, 1994, the Commission issued Order No. PSC-94-0746-PCO-EU, setting January 27, 1995 as the date of the hearing.

Comes now the parties by joint motion filed October 6, 1994, requesting the hearing date be delayed again. This time until April 3, 1995. The parties assert that they are in the final stages of a negotiation agreeing to territorial lines, and believe settlement of that dispute is imminent. The parties proclaim that substantial progress has been made in resolving the dispute. Further, the delay is for additional administrative time required to affect completion of the territorial dispute in anticipation of providing an executed territorial agreement for the Commission's approval. In support of their position, they argue that a delay of the hearing will facilitate the Commission's finding that resolution of territorial disputes between the parties is in the best interest of the parties and avoids the expense of time and resources required on the part of the Commission in conducting a formal hearing.

This Commission recognizes the importance of negotiated settlements of territorial disputes. Such settlements conserve the resources of the parties and the Commission. However, it is also noted that this is the second delay requested by the parties in this docket. Now it appears that the utilities are closer to a resolution. In order to allow them sufficient time to adequately prepare the settlement agreement, the Joint Motion to Delay Hearing until April 3, 1995 is granted. However, no further delays will be

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warranted hereafter. Should this matter not be resolved, the following dates shall be the controlling dates in this proceeding:

1)	Petitioner's Direct Testimony	12/15/94
2)	Respondent's Direct Testimony	1/13/95
3)	Staff Testimony, if any	2/03/95
4)	Petitioner's Rebuttal Testimony	2/20/95
5)	Prehearing Statements	3/13/95
6)	Prehearing Conference	3/20/95
7)	Discovery Complete	3/24/95
8)	Hearing	4/03/95
9)	Briefs	5/03/95

Order No. PSC-94-0520-PCO-EU is reaffirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Joint Motion to Delay Hearing filed by Florida Power Corporation and Suwannee Valley Electric Cooperative, Inc.is hereby granted. It is further

ORDERED that Order No. PSC-94-0520-EU is hereby revised as set forth in the body of this Order.

ORDERED that Order No. PSC-94-0520-EU is hereby affirmed in all other respects.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 13th day of October

JULIA L. JOHNSON, Commissioner and

Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), 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 A motion for the case of a water or wastewater utility. reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, 2procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.