

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for transfer) DOCKET NO. 941151-WS
of facilities from Orange/) ORDER NO. PSC-96-0953-PCO-WS
Osceola Utilities, Inc. to) ISSUED: July 23, 1996
Southern States Utilities, Inc.)
in Osceola County, including)
transfer of Certificate No. 289-)
S, amendment of Certificate No.)
066-W for additional territory,)
and cancellation of Certificate)
No. 335-W.)
_____)

ORDER ACKNOWLEDGING UTILITY'S WITHDRAWAL
OF FIRST MOTION FOR CONTINUANCE
AND
GRANTING SECOND MOTION FOR CONTINUANCE

This matter is currently scheduled for a formal hearing on August 5, 1996. On June 5, 1996, Orange/Osceola Utilities, Inc. (OOU or utility) filed a Motion for Continuance or, in the Alternative, Abeyance and Motion for Oral Argument. The basis of OOU's motion is that the utility filed with the Division of Administrative Hearings (DOAH), a Petition for Administrative Determination of the Validity of Rules and a Violation of Section 120.535, Florida Statutes, with regard to the Commission's proposed agency action (PAA) order in this docket. The DOAH matter is assigned case no. 96-2663RU.

OOU states in its motion for continuance that the issues in OOU's DOAH petition are the core issues raised in its petition on PAA in this docket. The DOAH hearing was scheduled for July 16, 1996.

On July 3, 1996, the parties and Commission staff participated in an informal conference in order to determine if this docket and the DOAH matter could be resolved prior to hearing. At the informal conference, the parties reached an oral agreement for settlement of both the DOAH and PAA proceedings.

On July 5, 1996, OOU filed a Second Motion for Indefinite Continuance or, in the Alternative, Abeyance of the Commission hearing. OOU states in its second motion that the continuance is sought in order to give the parties time to formalize the settlement and present it to the Commission panel. OOU also states that it withdraws its first motion but reserves the right to renew

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OOU has contacted Southern States Utilities, Inc. (SSU), the intervenor and only other party to this docket, and represents that SSU does not object to this second motion for continuance. The DOAH Hearing Officer granted continuance of the hearing in case no. 96-2663RU until September 9, 1996, pending resolution of this docket.

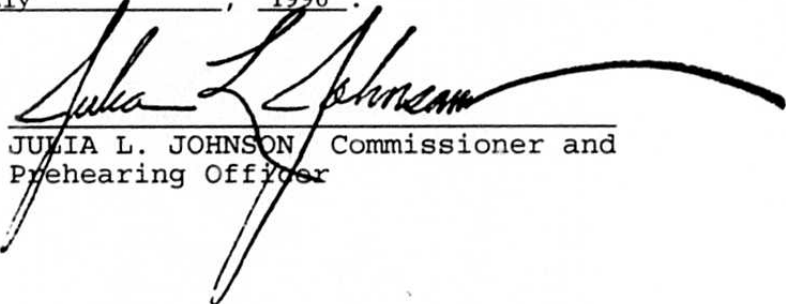
In consideration of the foregoing, OOU's Withdrawal of its First Motion for Continuance is acknowledged and OOU's Second Motion for Indefinite Continuance is granted. If the Commission should reject the settlement, and OOU renews its First Motion for Continuance or, in the Alternative, Abeyance, the Commission shall address said motion at that time.

Based on the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that Orange/Osceola Utilities, Inc.'s Withdrawal of its First Motion for Continuance is hereby acknowledged. It is further

ORDERED that Orange/Osceola Utilities, Inc.'s Second Motion for Indefinite Continuance is hereby granted.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 23rd day of July, 1996.



JULIA L. JOHNSON, 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 120.59(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 25-22.0376, 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 Records and Reporting, 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.