



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: August 20, 1998

TO: Julia L. Johnson, Chairman

FROM: Robert V. Elias, Chief, Bureau of Electric and Gas, Division of Legal Services
Wayne Makin, Bureau of Gas Regulation, Division of Electric and Gas
John Plescow, Division of Consumer Affairs

RVE
M

John Plescow

RE: Docket No. 970365-GU - Complaint of Mother's Kitchen Ltd., against Florida Public Utilities Company regarding refusal or discontinuance of service

By this memo we are seeking permission to file a recommendation on Monday August 24, 1998, for consideration at the September 1, 1998, agenda conference.

After Mother's Kitchen protested the Commission Proposed Agency Action Order No. PSC-97-1199-FOF-GU, the matter was referred to the Division of Administrative Hearings to conduct the formal evidentiary hearing. The Recommended Order was entered on June 11, 1998. Since that time, the parties have filed 6 post-Recommended Order Motions and Responses. The most recent of these six was filed last Tuesday. All of these pleading's must be addressed in Staff's recommendation. Due to the spate of recent network problems and the unusual number of recent filings, the preparation of this recommendation has been hampered. Several hours of work were lost in yesterday's network failure. To comply with the 90 day requirement for the Commission's post-hearing decision, the matter must be considered at the September 1, 1998 agenda conference. Therefore, we would seek an extension until Monday, August 24, 1998, to file the recommendation for consideration at the September 1, 1998, agenda conference.

RVE/
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Recommend Approval
MAB
8/20/98

O.K.

W. Makin

DOCUMENT NUMBER - DATE

08974 AUG 20 88

FPSC-RECOR IS/REPORTING



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: AUGUST 24, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF LEGAL SERVICES (ELIAS)
DIVISION OF CONSUMER AFFAIRS (PLESCOW)
DIVISION OF ELECTRIC AND GAS (MAKIN)

RE: DOCKET NO. 970365-GU - COMPLAINT OF MOTHER'S KITCHEN LTD.
AGAINST FLORIDA PUBLIC UTILITIES COMPANY REGARDING REFUSAL
OR DISCONTINUANCE OF SERVICE.

AGENDA: 09/01/98 - REGULAR AGENDA - POST HEARING DECISION -
PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: Commission decision required by September 9, 1998

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\970365.RCM

ISSUES

- ISSUE 1:** Should FPUC's Motion to Strike be granted?
- ISSUE 2:** Should FPUC's Second Motion to Strike be granted?
- ISSUE 3:** How should the Commission rule On Mother's Kitchen's exceptions to the Administrative Law Judge's Recommended Order?
- ISSUE 4:** Should the Administrative Law Judge's Recommended Order be adopted as the Commission's final order?
- ISSUE 5:** Should this docket be closed?