

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

DOCKET NO. 981609-WS

In re: Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DOCKET NO. 980992-WS
ORDER NO. PSC-00-2267-PCO-WS
ISSUED: November 29, 2000

ORDER REVISING ORDER ESTABLISHING PROCEDURE

On August 4, 1998, D.R. Horton Custom Homes, Inc. (Horton) filed a Complaint against Southlake Utilities, Inc. (Southlake or utility) regarding the utility's collection of allowance for funds prudently invested (AFPI) charges. On November 16, 1998, Horton also filed a Petition to immediately eliminate the authority of Southlake to collect service availability and AFPI charges. By Order No. PSC-99-0027-PCO-WS, issued January 4, 1999, the Commission initiated an investigation into Southlake's AFPI and service availability charges and held these charges subject to refund.

On May 9, 2000, the Commission issued Order No. PSC-00-0917-SC-WS, in which the utility was ordered to show cause and to provide security for the service availability charges held subject to refund. Moreover, by proposed agency action, the Commission discontinued the utility's water plant capacity and AFPI charges, reduced the amount of the utility's wastewater plant capacity charges, and required refunds. On May 30, 2000, the utility timely requested a hearing on the show cause portion of the Order. The utility also filed a protest to the proposed agency action portion of the Order and requested a formal hearing. Additionally, by Order No. PSC-00-1518-SC-WS, issued August 22, 2000, the Commission ordered the utility to show cause as to why it should not be fined for its apparent failure to file the security required by Order No. PSC-00-0917-SC-WS. On September 13, 2000, the utility responded to

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Order No. PSC-00-1518-SC-WS and requested a hearing. An administrative hearing was scheduled in this matter for March 13 and 14, 2001.

By Order No. PSC-00-1461-PCO-WS (Order Establishing Procedure), issued August 11, 2000, controlling dates were established for these dockets. Moreover, by Order No. PSC-00-1817-PCO-WS, issued October 4, 2000, the testimony filing dates were changed.

To accommodate the Commission calendar, it is necessary to change the prehearing conference and hearing dates. Accordingly, the prehearing conference and hearing dates in these dockets are hereby changed to April 30, 2001, and May 10 and 11, 2001, respectively. Moreover, the following revised filing dates shall govern this case:

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|--|-------------------|
| 1) Utility's direct testimony and exhibits | January 25, 2001 |
| 2) Intervenor's direct testimony and exhibits | February 22, 2001 |
| 3) Staff's direct testimony and exhibits, if any | March 22, 2001 |
| 4) Rebuttal testimony and exhibits | April 5, 2001 |
| 5) Prehearing Statements | April 12, 2001 |
| 6) Briefs | June 1, 2001 |

Except as modified herein, all other provisions of Orders Nos. PSC-00-1461-PCO-WS and PSC-00-1817-PCO-WS shall remain in effect.

On November 13, 2001, Southlake filed a Motion for Extension of Time, requesting a change in the hearing dates and testimony filing dates. On November 21, 2001, Horton timely filed its response to Southlake's motion, in which it opposed a change in the hearing dates. As the hearing and filing dates have been changed, as set forth above to accommodate the Commission calendar, no

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ruling is necessary on Southlake's Motion for Extension of Time as it is moot.


This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, that the revised hearing and filing dates set forth in the body of this Order shall govern this case. It is further

ORDERED that except as modified herein, all other provisions of Orders Nos. PSC-00-1461-PCO-WS and PSC-00-1817-PCO-WS shall remain in effect.

By ORDER of Chairman J. Terry Deason as Prehearing Officer, this 29th day of November, 2000.



J. TERRY DEASON
Chairman 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 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that

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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, 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.