

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint and Petition) DOCKET NO. 920649-WS
of Cynwyd Investments Against)
TAMIAMI VILLAGE UTILITY, INC.)
Regarding Termination of Water)
and Wastewater Services in Lee)
County.)
_____)
In Re: Complaint Against) DOCKET NO. 930642-WS
TAMIAMI VILLAGE UTILITY, INC. by) ORDER NO. PSC-93-1086-PCO-WS
CYNWYD INVESTMENTS, and Request) ISSUED: 7/26/93
for Emergency Order Requiring)
the Utility to Reestablish Water)
and Wastewater Service to)
Cynwyd's Friendship Hall in Lee)
County.)
_____)

ORDER CONSOLIDATING COMPLAINT DOCKETS

BY THE COMMISSION:

Cynwyd Investments (Cynwyd) and Tamiami Village Utility, Inc., (TVU) are parties in an ongoing complaint in Docket No. 920649-WS concerning alleged infiltration in the sewer lines located in the RV park owned by Cynwyd, a bulk customer. The infiltration is allegedly creating overflow problems in the utility's percolation ponds. This matter is currently scheduled for hearing on October 14 and 15, 1993.

July 1, 1993, Cynwyd filed another complaint against TVU in Docket No. 930642-WS. In its Petition, Cynwyd claimed that TVU had terminated service because Cynwyd had not paid a bill of \$801.70 to pay for allegedly allowing infiltration through a pool drain. The parties continue to dispute whether the bill should be paid. On July 1, 1993, the Prehearing Officer issued an Order requiring TVU to reconnect Cynwyd immediately. Service was restored on July 2, 1993. However, on July 9 and 12, 1993, Motions for Reconsideration were received from TVU's Chief Executive Officer and legal representative, respectively.

Having reviewed the pleadings, we find it appropriate to consolidate these dockets for purposes of hearing for the following

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reasons: 1) there are many similar issues of law and fact; 2) several of the witnesses at hearing will be the same with similar testimony; 3) the parties are identical in both matters; and 4) there will be less expense for all parties and the Commission if these matters are consolidated.

Accordingly, upon our own motion, we find it appropriate to consolidate the two complaint dockets for the purposes of hearing. Such consolidation will promote just, speedy, and inexpensive resolution of the proceedings, and will not unduly prejudice the rights of the parties. Therefore, it is ordered that Dockets Nos. 920469-WS and 930642-WS are hereby consolidated.

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, that Dockets Nos. 920649-WS and 930642-WS shall be consolidated for purposes of hearing.

By ORDER of Chairman J. Terry Deason, this 26th day of July, 1993.


J. TERRY DEASON, Chairman and
Acting 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.

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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 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.