

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Tahitian Gardens Condominium Association, Inc., against Aloha Utilities, Inc., in Pasco County regarding incorrect billing.

DOCKET NO. 971092-WS
ORDER NO. PSC-97-1205-PCO-WS
ISSUED: October 6, 1997

ORDER GRANTING, IN PART, MOTION FOR EXTENSION OF TIME

On September 12, 1997, Aloha Utilities, Inc., (Aloha) filed its Response to the Complaint of Tahitian Gardens Condominium Association, Inc. (Tahitian Gardens). In that Response, Aloha moved to dismiss the Complaint in its entirety, and to also strike portions of the Complaint.

Pursuant to Rules 25-22.037(2) and 25-22.028(4), Florida Administrative Code, any response to these motions to dismiss or strike was due on September 24, 1997. However, on that date, Tahitian Gardens filed a Motion for Extension of Time to file its Response.

In its Motion, Tahitian Gardens asserts that most of the members of the Water Committee are on vacation. Also, Tahitian Gardens states that its members are not lawyers and that they need more time to study the rules, prepare and vote on their response. Tahitian Gardens therefore requests that it be given up to and including November 3, 1997, to file its response. No pleadings in opposition to Tahitian Gardens' motion have been filed.

Because members of the Tahitian Gardens Water Committee are unavailable to prepare a timely response, and because granting this Motion for Extension of Time will not alter the schedule of this case in any way, Tahitian Gardens shall have up to and including October 24, 1997, to file its response. No further motions for extensions will be entertained.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Motion for Extension of Time filed by the Tahitian Gardens Condominium Association, Inc., is granted, in part, to the extent set forth in the body of this Order. It is further

DOCUMENT NUMBER-DATE

10188 OCT-65

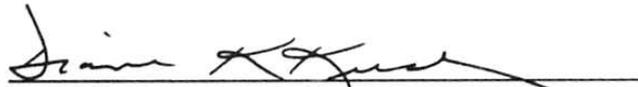
FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-1205-PCO-WS
DOCKET NO. 971092-WS
PAGE 2

part, to the extent set forth in the body of this Order. It is further

ORDERED that the date for filing a response to Aloha Utilities' Motion to Dismiss and its Motion to Strike is extended until 5:00 p.m., October 24, 1997. No further extensions will be entertained.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 6th Day of October, 1997.



DIANE K. KIESLING
Commissioner and Prehearing Officer

(S E A L)

RRJ

ORDER NO. PSC-97-1205-PCO-WS
DOCKET NO. 971092-WS
PAGE 3

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 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.