

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by BOARD OF SUMTER )	DOCKET NO. 870060-WS
COUNTY COMMISSIONERS declaring Sumter )	
County, Florida, subject to )	ORDER NO. 22448
jurisdiction of Florida Public Service )	
Commission )	ISSUED: 1-23-90
)	

ORDER GRANTING EXTENSION OF TIME TO PREFILE  
TESTIMONY AND AMENDING CASE SCHEDULE

On January 13, 1987, the Board of County Commissioners for Sumter County adopted a resolution, pursuant to Section 367.171, Florida Statutes, declaring all privately owned water and wastewater utilities in that county subject to this Commission's jurisdiction. By Order No. 17207, issued February 18, 1987, this Commission acknowledged the jurisdictional transfer and directed all water and wastewater utilities to register with this Commission so that we might evaluate their regulatory status.

Florilow, Inc. (Florilow) is a mobile home and recreational vehicle park in Sumter County which consists of approximately 126 lots. Florilow also provides water and wastewater service within the confines of the park. In April of 1988, Florilow requested that it be found exempt from this Commission's regulation under either the landlord-tenant exemption or the small system exemption, Sections 367.022(5) and (6), Florida Statutes, respectively.

On May 8, 1989, by Order No. 21203, we proposed to reject Florilow's request for a determination that it is exempt from the regulation of this Commission. By letter dated June 17, 1989, Florilow protested Order No. 21203. Pursuant to Florilow's protest, this case is set for an administrative hearing on April 11, 1990, with a prehearing conference to be held on March 26, 1990.

By Order No. 22216, issued November 21, 1989, the Prehearing Officer established a schedule to govern the key activities in this case. According to the provisions of Order No. 22216, Florilow is required to prefile its direct testimony no later than February 16, 1990. By letter dated January 8, 1990, however, Florilow requested that it be granted an extension, until either February 7 or 14, 1990, to prefile its direct testimony.

On its face, Florilow's request does not seem unreasonable; however, upon review of the case schedule, it

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appears that the Staff of this Commission (Staff) and any intervenors may be prejudiced by the requested extension unless they are also granted small extensions of time to prefile their direct testimony. This will, of course, also necessitate a revision of the due date for rebuttal testimony.

Based upon the discussion above, Florilow's request is hereby granted. Accordingly, Order No. 22216 is hereby amended to allow Florilow until February 14, 1990, to prefile its direct testimony and exhibits and to allow Staff and any intervenors until February 27, 1990, to prefile their direct testimony and exhibits. All parties and Staff shall prefile their rebuttal testimony and exhibits no later than March 12, 1990. All other provisions of Order No. 22216 remain unaffected by this Order.

It is, therefore,

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that Florilow, Inc.'s request for extension of time is hereby granted, as set forth in the body of this Order. It is further

ORDERED that the provisions of Order No. 22216 are hereby amended in Order to allow Florilow, Inc. until February 14, 1990, to prefile its direct testimony and exhibits, to allow Staff and any intervenors until February 27, 1990, to prefile their direct testimony and exhibits, and to allow all parties and Staff until March 12, 1990, to prefile their rebuttal testimony and exhibits. It is further

ORDERED that Order No. 22216 is hereby affirmed in all other respects.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 23rd day of JANUARY, 1990.

GERALD L. GUNTER, Commissioner  
and Prehearing Officer

( S E A L )

RJP

by: Karp Flynn  
Chief, Bureau of Records

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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 25-22.038(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 sewer 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.