

MEMORANDUM

January 24, 1990

TO : DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (FRIER) *RF*
RE : DOCKET NO. 891020-WS - COMPLAINTS OF VILANO VENTURE,
INC. AGAINST NORTH BEACH UTILITIES, INC. IN ST. JOHNS
COUNTY FOR FAILURE TO COMPLY WITH FPSC RULES AND
REGULATIONS.

Attached is an Order Suspending Filing Schedule to be
issued in the above-referenced docket. *22474*

JRF/lp
cc: Division of Water and Sewer

DOCUMENT NUMBER-DATE
00809 JAN 26 1990
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaints of VILANO VENTURE)	DOCKET NO. 891020-WS
against NORTH BEACH UTILITIES, INC.,)	ORDER NO. 22474
in St. Johns County for failure to)	ISSUED: 1-26-90
comply with FPSC regulations)	
)	

ORDER SUSPENDING FILING SCHEDULE

On July 24, 1989, Vilano Ventures, Inc., ("Vilano" or "Developer"), filed two complaints against North Beach Utilities, Inc., ("NBU" or "utility"). The first complaint, the "Water Complaint", addresses operation of the water system. The second complaint, the "Agreement Complaint", addresses the propriety of service availability charges in an October 26, 1986 agreement which was the subject of Docket No. 891120-WS - Request by North Beach Utilities, Inc. for Approval of Special Service Availability Contract with Vilano Ventures, Inc. By Order No. 22055, issued October 13, 1989, Docket No. 891120-WS was consolidated with this docket. The consolidated matter is currently set for a prehearing conference to be held on January 31, 1990, and an administrative hearing on February 16, 1990.

On October 30, 1989, this Commission issued Order No. 22109 establishing prehearing procedures in the consolidated case. On November 13, 1989, NBU and Vilano filed a Stipulated Motion for Revision of the filing schedule established in Order No. 22109. The stipulated motion was approved by the Prehearing Officer in Order No. 22212, issued November 21, 1989.

By way of a telephone call on January 16, 1990, counsel for the Complainant informed our Staff that a firm settlement between the parties had been achieved, and a formal stipulation agreement would be forthcoming.

In consideration of the foregoing, the undersigned, as Prehearing Officer, finds it appropriate to suspend the filing schedule established and revised in the above-cited Orders until otherwise ordered by the Prehearing Officer or the Commission.

It is, therefore,

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the filing schedule established in Order No. 22109, issued October 30, 1989, and revised in Order No. 22212,


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issued November 21 1989, is hereby suspended until otherwise ordered by the Prehearing Officer or the Commission. It is further

ORDERED that the parties shall file an executed copy of their stipulated settlement agreement with the Commission on or before February 16, 1990, or inform Staff in writing that the matter needs to proceed to hearing under a filing schedule to be determined at that time.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 26th day of JANUARY, 1990.



JOHN T. HERNDON, Commissioner and
Prehearing Officer

(S E A L)

JRF

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial

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review by the Florida Supreme Court 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 by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.