

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Amendment of Certificate Nos. 298-W and 248-S in Lake County by JJ'S MOBILE HOMES, INC.)	DOCKET NO. 921237-WS
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In Re: Investigation into Provision of Water and Wastewater Service by JJ'S MOBILE HOMES to its certificated territory in Lake County.)	DOCKET NO. 940264-WS ORDER NO. PSC-94-1266-PCO-WS ISSUED: October 13, 1994

ORDER GRANTING MOTION FOR CONTINUANCE
AND REQUIRING STATUS REPORTS

This matter was scheduled for a formal hearing on October 13-14, 1994, in Lake County, Florida. On October 6, 1994, George Wimpey of Florida, Inc. (Wimpey) filed an Emergency Motion to Continue Controlling Dates. In its Motion, Wimpey states that on October 4, 1994, Wimpey, the Mount Dora Community Development District (CDD) and JJ's Mobile Homes, Inc. entered into an agreement to purchase the assets of JJ's. Wimpey and JJ's have also entered into a temporary stay agreement, in which they have agreed to seek a stay in several pending proceedings, including these dockets.

The agreement provides for a 90 day closing period: 60 days to make examinations and inspections, and 30 days to complete the closing. Wimpey alleges that it is in the best interests of all parties that the Commission continue the hearing date and reset the hearing for a time after January 1, 1995, provided that the parties have not already reached agreement.

The City of Mt. Dora has no objections to the continuance. During the October 7, 1994, motion hearing on this matter, the Office of Public Counsel and Leon Bibb did not express opposition to the continuance, but expressed concerns over the terms of the agreement.

After reviewing the motion and in consideration of the parties positions, I find it appropriate to grant the motion for a continuance. The formal hearing scheduled for October 13-14, 1994, in Lake County, Florida, is hereby cancelled. If the contract between JJ's and Wimpey is closed prior to January 1, 1995, JJ's and Wimpey shall advise the Commission and no further hearing date shall be scheduled. If the sale of the utility is consummated, the

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Commission will dispose of all pending matters at that time. If the parties do not advise the Commission by January 1, 1995, or if the contract is terminated prior to that time, a formal hearing shall be scheduled in this matter for the soonest available hearing date.

During the period of abatement, JJ's and Wimpey shall file a status report with the Commission every 30 days, advising the Commission of the status of the contractual matters. In particular, JJ's and Wimpey shall advise the Commission as to the completion of the Conditions Precedent to Closing as set forth in the sale agreement. JJ's and Wimpey shall also serve this report on all other parties in the docket. The first report shall be due November 4, 1994.

Discovery in this matter shall be stayed for 60 days from the date of this Order. The Prehearing Officer will consider lifting the stay of discovery at the end of the 60 day period. Any outstanding motions relating to discovery or confidentiality which were filed prior to the request for continuance will be ruled upon in a separate order.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that George Wimpey of Florida's Emergency Motion to Continue Controlling Dates is hereby granted as set forth in the body of this Order. It is further

ORDERED that the formal hearing scheduled in this matter on October 13-14, 1994, in Lake County Florida, is hereby cancelled. It is further

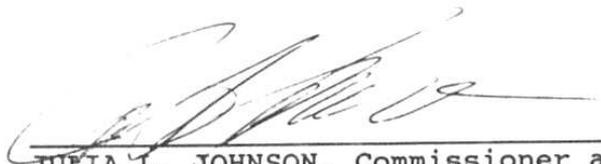
ORDERED that the parties shall advise the Commission of the status of the sale agreement as set forth herein. It is further

ORDERED that if the parties have not advised the Commission by January 1, 1995, that the contract has been closed and the sale finalized, this matter will be set for formal hearing. It is further

ORDERED that discovery in this matter shall be stayed for a period of 60 days.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 13th day of October, 1994.

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JULIA L. JOHNSON, Commissioner and
Prehearing Officer

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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 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.