

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 930724-SU  
amendment of Certificate No. ) ORDER NO. PSC-94-1586-PCO-SU  
247-S and for a limited ) ISSUED: December 22, 1994  
proceeding to impose current )  
wastewater rates, charges, )  
classifications, rules and )  
regulations, and service )  
availability policies for Lazy )  
Days Mobile Village by NORTH )  
FORT MYERS UTILITY, INC., and )  
for cancellation of Certificate )  
No. 174-S issued to SUN-UP )  
SOUTH, INC. in Lee County. )

ORDER MAKING MOTION FOR SUMMARY DISPOSITION MOOT

On December 13, 1994, North Fort Myers Utility, Inc. (NFMU or utility) filed a Motion for Summary Disposition in the above-referenced docket. In its motion, NFMU argued that the issues presented in this docket are identical to the issues already decided in Dockets Nos. 930373-SU and 930379-SU, and therefore, it would not be prudent to hold a hearing in this matter. Those dockets concerned the application for a transfer of the Lake Arrowhead Village, Inc. (LAVI) system to NFMU and the utility's request to apply NFMU's rates and charges to LAVI's customers. The Commission's final decision in that matter is set forth in Order No. PSC-94-1553-FOF-SU, issued December 13, 1994. The time for filing a motion for reconsideration of that Order has not expired. However, at the December 16, 1994, Prehearing Conference, OPC requested an extension of time to file a motion for reconsideration of Order No. PSC-94-1553-FOF-SU. OPC's request for an extension of time to file a motion for reconsideration was granted. As stated at the Prehearing Conference, the motion for reconsideration of Order No. PSC-94-1553-FOF-SU must be filed by January 6, 1995.

During the Prehearing Conference, the parties stipulated that the final decision in Dockets Nos. 930373-SU and 930379-SU is binding and shall become the final decision in this docket. This proposed stipulation will be reviewed by the Commission panel at the next available Agenda Conference. In light of the proposed stipulation, the January 4, 1994, hearing has been cancelled. Further, the proposed stipulation has the effect of making NFMU's Motion for Summary Disposition moot. Therefore, OPC is not required to respond to the motion. If this matter is not resolved at the Agenda Conference, it will be rescheduled for formal hearing

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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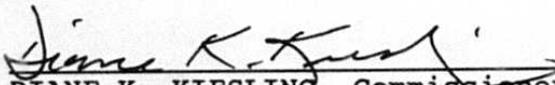
at a later date and a second Prehearing Conference will be held in order to address the identification of issues and pending matters.

It is therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that North Ft. Myers Utility, Inc's Motion for Summary Disposition is moot. It is further

ORDERED that a motion for reconsideration of Order No. PSC-94-1553-FOF-SU must be filed no later than January 6, 1995.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 22nd day of December, 1994.

  
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DIANE K. KIESLING, Commissioner and  
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.

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.