

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for)	DOCKET NO. 921237-WS
Amendment of Certificates Nos.)	
298-W and 248-S in Lake County)	
by JJ'S MOBILE HOMES, INC.)	
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In Re: Investigation Into)	DOCKET NO. 940264-WS
Provision of Water and)	ORDER NO. PSC-96-0561-PCO-WS
Wastewater Service by JJ'S)	ISSUED: April 29, 1996
MOBILE HOMES, INC. to its)	
Certificated Territory in Lake)	
County)	
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ORDER GRANTING MOTION FOR CONTINUANCE
AND MOTION FOR EXTENSION

By Order No. PSC-95-1424-PCO-WS, issued November 22, 1995, JJ's Mobile Homes, Inc., (JJ's) and the City of Mt. Dora (Mt. Dora) were required to file their master plans as testimony on March 1, 1996. Parties were further ordered to file prehearing statements by April 15, 1996. The prehearing conference in this matter was scheduled for April 19, 1996, and the technical hearing scheduled for May 23, 1996, in Tallahassee, Florida. On April 17, 1996, Mt. Dora filed a Motion for Continuance, and a Motion for Extension. JJ's filed a response on April 18, 1996.

Motion for Continuance

In its motion to continue the May 23, 1996, hearing, Mt. Dora makes two assertions: that it had not received JJ's testimony and master plan and therefore did not have sufficient time to prepare for the hearing, and that counsel for Mt. Dora will be unable to travel to Tallahassee on May 23, 1996, because of the impending birth of his child, due to be born on May 27, 1996.

In its response, JJ's states that it only learned on April 16, 1996, that Mt. Dora had not received the master plan, and that JJ's counsel would send the plans by overnight mail. JJ's states that Mt. Dora should have notified the utility when it did not receive the master plan on the March 1, 1996, due date, and that Mt. Dora should not use its failure to notify JJ's of the non-receipt as grounds for a continuance now. JJ's states that it is sympathetic to Mt. Dora's counsel's personal grounds for requesting a continuance, but raises concerns about the rescheduling of any hearing. Therefore, JJ's states that it would agree to a continuance, only if the hearing can be rescheduled within 45 days.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

JJ's requests that the hearing be held before the Prehearing Officer in order to resolve the pending motion.

While Mt. Dora did not receive a copy of the master plan when filed by JJ's with the Commission, Mt. Dora should have notified JJ's at an earlier date, rather than wait to request a continuance two days after prehearing statements were due. Had this been the only ground for a continuance, Mt. Dora's request would be tenuous at best. Nevertheless, in consideration of the personal grounds stated by Mt. Dora's counsel, and because it appears the hearing may be rescheduled within 45 days, Mt. Dora's request for continuance is granted. A subsequent order will be issued establishing the new date for the hearing.

Motion for Extension

In its motion for an extension of time to file its prehearing statement, Mt. Dora states that because it did not receive JJ's master plan, it was "unable to formulate a meaningful prehearing statement." JJ's did not respond to this motion in any substance.

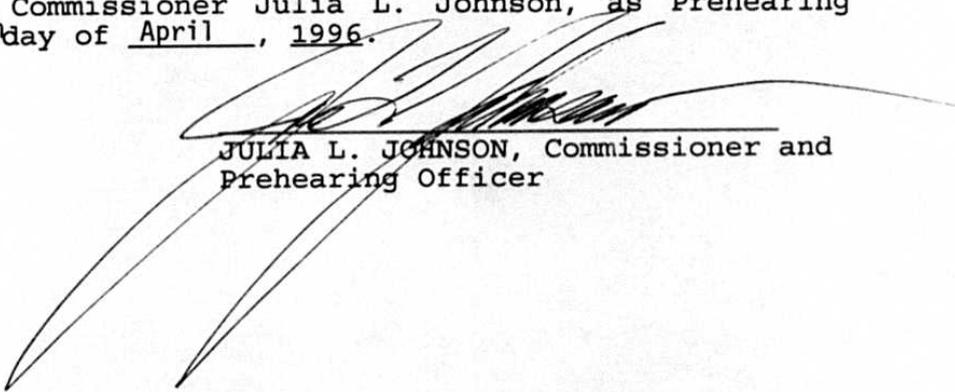
It should be noted that Mt. Dora's request was filed after the April 15, 1996, due date. Nevertheless, for the reasons set forth above, and because the May 23, 1996, hearing will be continued, Mt. Dora's motion is granted. The due date for the filing of prehearing statements will be set forth in a subsequent procedural order.

Because this order resolves the concerns of both parties, an expedited hearing on this matter is not necessary.

Based upon the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Motion for Continuance and Motion for Extension filed by the City of Mt. Dora is hereby granted.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 29th day of April, 1996.



JULIA L. JOHNSON, 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.