

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for)	DOCKET NO. 921237-WS
Amendment of Certificate 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-94-0858-PCO-WS
Wastewater Service by JJ'S)	ISSUED: July 15, 1994
MOBILE HOMES to its certificated)	
territory in Lake County.)	
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ORDER GRANTING JJ'S MOBILE HOMES, INC.'S MOTION
FOR CONTINUANCE, AND RESCHEDULING CERTAIN KEY DATES

This matter was scheduled for a formal hearing on July 13-14, 1994, in Lake County, Florida. On July 1, 1994, JJ's Mobile Homes, Inc. (JJ's), filed a Motion for Continuance and Request for Emergency Hearing. In its Motion, JJ's alleges that because of crucial issues raised by parties at a relatively late date in the proceedings, it will be unable to prepare adequately and file its rebuttal testimony, which was due to be filed on July 6, 1994, or to prepare adequately for the hearing scheduled for July 13-14, 1994. JJ's claims that it will be deprived of its due process rights if it is unable to prepare adequately to address the issues. JJ's requests that the date for filing of rebuttal testimony be delayed, that the matter be continued and that the Prehearing Officer consider the motion at an emergency hearing.

After consulting with the other parties in this matter, counsel for JJ's has advised that the parties have reached an agreement as to a possible resolution of its Motion. In a letter filed July 6, 1994, JJ's confirmed this agreement and identified several issues to which the parties had agreed: a new hearing date in October would be appropriate; discovery would be cut off after August 31, 1994; and JJ's would file its rebuttal testimony on September 14, 1994.

After reviewing JJ's Motion and in consideration of the parties' agreement to the terms listed above, I find it appropriate to grant JJ's Motion for Continuance. The formal hearing scheduled for July 13-14, 1994, in Lake County, Florida, is hereby cancelled. The schedule in this matter is revised as set forth below:

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REGISTRATION

	<u>Former Date</u>	<u>New Date</u>
Discovery Complete	July 6, 1994	August 31, 1994
Rebuttal Testimony	July 6, 1994	September 14, 1994
Prehearing Conference	June 27, 1994	September 30, 1994
Hearing	July 13-14, 1994	October 13-14, 1994

The issues in this matter were approved at the June 27, 1994, prehearing conference. Because the formal hearing has been continued, a prehearing order will not be issued at this time. However, the issues in this matter have been finalized and are set forth below. It will be appropriate to hold another prehearing conference prior to the rescheduled hearing in order to address any additional matters. At that time, the parties may amend their positions as to the issues.

ISSUE 1: Does JJ's currently have the additional plant capacity to serve the water and wastewater needs of its entire existing territory, as well as the additional territory requested in its application for amendment?

ISSUE 2: If JJ's does not have the current plant capacity to serve either its entire existing territory or the requested additional territory, does it have the ability to expand its facilities?

ISSUE 3: Does JJ's have the technical ability to serve the water and wastewater needs of its entire existing territory, as well as the additional territory requested in the application for amendment?

ISSUE 4: Is the quality of service provided to JJ's existing territory satisfactory?

ISSUE 5: Does JJ's have the financial ability to serve the water and wastewater needs of its entire existing territory, as well as the additional territory requested in the application for amendment?

ISSUE 6: What are JJ's anticipated construction and acquisition costs for providing wastewater service to the Country Club through build-out?

ISSUE 7: Will the expansion of territory adversely impact the customers in JJ's current certificated territory, either in terms of cost of service or quality of service?

ISSUE 8: Are the rates to the master metered customers adequate and equitable? If not, should they be revised?

ISSUE 9: Is it in the public interest for JJ's to continue to serve its entire existing territory, or should some of its territory be deleted?

ISSUE 10: Is it in the public interest to grant JJ's the additional territory requested in its application for amendment?

ISSUE 11: Would the granting of the additional territory be in competition with or a duplication of another system? If so, is that system adequate to meet the needs of the proposed territory?

ISSUE 12: Is the additional service territory which is the subject of JJ's Application for Amendment of Water and Wastewater Certificates encompassed within the City of Mt. Dora's Chapter 180 utility district?

ISSUE 13: Can the Commission authorize a utility to extend its certificated service territory into an area encompassed by a municipality's Chapter 180 utility district?

ISSUE 14: Can Mt. Dora serve the Country Club of Mt. Dora at a cost less than JJ's?

ISSUE 15: Is the City of Mt. Dora capable of providing bulk service to the Country Club of Mt. Dora instead of JJ's building additional plant?

ISSUE 16: Is JJ's application in compliance with the Commission's rules, statutes, and non-rule policies?

ISSUE 17: What area is JJ's currently authorized to serve pursuant to Certificate No. 298-W and Certificate No. 248-S?

ISSUE 18: Did the Commission, either directly or by the administrative action of its staff, have the statutory authority in 1977 to grant certificates for an area larger than that being served by a utility at the time Section 367.171, Florida Statutes, became applicable to the utility?

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ISSUE 19: Did Order No. 8044, issued November 16, 1977, in Docket No. 770402-WS, authorize Dora Pines to serve outside the mobile home park?

ISSUE 20: Did the 1980 transfer of Certificates Nos. 298-W and 248-S from Dora Pines to JJ's authorize JJ's to serve outside the mobile home park?

Because the parties have agreed to a proposed resolution of JJ's Motion, JJ's request for an emergency hearing on its motion is moot.

Based on the foregoing, it is, therefore,

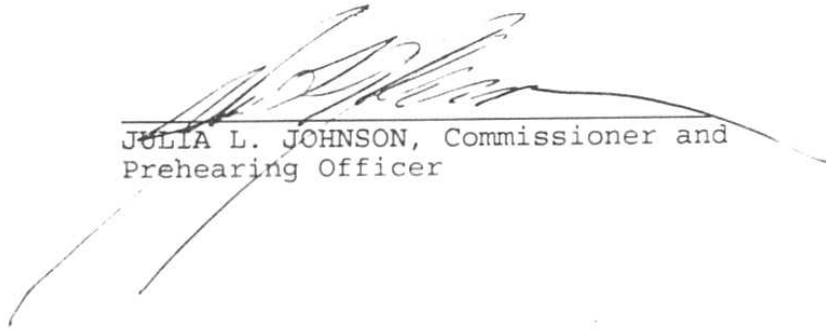
ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that JJ's Mobile Homes Inc.'s Motion for Continuance is granted as set forth in the body of this Order. It is further

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

ORDERED that the formal hearing in this matter shall be scheduled to be heard on October 13-14, 1994, in Lake County, Florida. It is further

ORDERED that the controlling dates are amended as set forth in the body of this Order.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th day of July, 1994.



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.