## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for amendment of Certificates Nos. 298-W and 248-S in Lake County by JJ's Mobile Homes, Inc.

DOCKET NO. 921237-WS

In Re: Investigation into provision of water and wastewater service by JJ's Mobile Homes, Inc. to its certificated territory in Lake County.

) DOCKET NO. 940264-WS ) ORDER NO. PSC-96-0805-PCO-WS ) ISSUED: June 21, 1996

## ORDER GRANTING JOINT MOTION FOR ABEYANCE AND CONTINUING HEARING

A technical hearing is scheduled in this matter for Monday, June 24, 1996. On Thursday, June 20, 1996, JJ's Mobile Homes, Inc., (JJ's or utility), and the City of Mt Dora (city) filed a Joint Request that Hearing Be Placed Into Abeyance. JJ's and the city state that all issues in this matter will be rendered moot by the pending sale of the utility to the city, thereby obviating the need for a hearing. The motion indicates that the Office of Public Counsel does not oppose the request. Two other parties, Leon Bibb and George Wimpey of Florida, who did not participate in the June 17, 1996, Prehearing Conference or related matters, were not contacted.

As JJ's and the city acknowledge in their motion, the formal hearings in this matter have been continued on numerous occasions. There have been several continuances granted on the grounds that a sale of the utility was pending. On each occasion, a sale has not taken place. However, in this instance, JJ's and the city have provided an Outline of Agreement For Purchase and Sale which indicates that the two have consummated the sale as of June 19, 1996, and that a contract will be completed and executed by June 21, 1996. The agreement addresses the purchase price, the condition of the utility, the property to be included in the sale, billing and collection matters, closing costs, an initial deposit, and the transfer application necessary for the Commission to acknowledge the sale. The agreement further indicates a closing date of July 3, 1996.

In consideration of the motion, and the agreement which indicates that the parties have indeed stipulated to a sale of the

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ORDER NO. PSC-96-0805-PCO-WS DOCKETS NOS. 921237-WS, 940264-WS PAGE 2

utility and negotiated a significant portion of the conditions of the sale, the motion is hereby granted. The June 24, 1996, hearing is hereby cancelled. JJ's and the city shall file a joint status report on or before August 5, 1996, indicating the completion of the terms of sale, and whether any matters remain at issue.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Joint Request that Hearing Be Placed Into Abeyance filed by JJ's Mobile Homes, Inc. and the City of Mt. Dora is hereby granted. It is further

ORDERED that the hearing scheduled for June 24, 1996, is cancelled. It is further

ORDERED that JJ's Mobile Homes, Inc. and the City of Mt. Dora shall jointly file a status report on or before August 5, 1996, advising the Commission as to whether the sale has been completed and whether any matters remain at issue.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 21st day of June

> JULIA L. JOHNSON, Commissioner and Prehearing Officer

(SEAL)

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ORDER NO. PSC-96-0805-PCO-WS DOCKETS NOS. 921237-WS, 940264-WS PAGE 3

## 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.