

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Clyde E. Rushing, )	DOCKET NO. 881188-EI
Barbara L. Rushing, Serena L. Ison, )	
and William D. Ison against Florida )	ORDER NO. 21031
Power & Light Company for refusal to )	
provide electrical service without )	ISSUED: 4-11-89
payment of a contribution-in-aid-of )	
construction. )	

The following Commissioners participated in the disposition of this matter:

BETTY EASLEY  
GERALD L. GUNTER

ORDER DISMISSING COMPLAINT AND CLOSING DOCKET

BY THE COMMISSION:

On September 14, 1988, Complainants, Clyde E. Rushing, Barbara L. Rushing, Serena L. Ison, and William D. Ison filed a complaint against Florida Power & Light Company (FPL), alleging that FPL improperly refused to provide electricity to them without substantial contributions-in-aid-of-construction (CIAC's). Complainants argued that they were entitled to electrical service from FPL without cost or CIAC pursuant to Section 366.03, Florida Statutes, (1987) and Rule 25-6.064(8)(13), Florida Administrative Code, which require that public utilities not discriminate in the extension of services.

On October 4, 1988, FPL filed its Answer alleging (among other things), compliance with applicable statutes and rules.

On March 8, 1989, Complainants filed a Notice of Voluntary Withdrawal of Complaint stating that the matter was rendered moot by FPL's notification that electrical service would be provided to them without a payment of a CIAC.

In consideration of the foregoing, it is

ORDERED that the complaint be dismissed. It is further

ORDERED that this docket be closed on May 21, 1989, if no Motion for Reconsideration or Notice of Appeal is timely filed prior to that time.

By ORDER of the Florida Public Service Commission, this 11th day of April, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.