

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate ) DOCKET NO. 950495-WS  
increase and increase in service ) ORDER NO. PSC-95-1259-PCO-WS  
availability charges by Southern ) ISSUED: October 13, 1995  
States Utilities, Inc. for )  
Orange-Osceola Utilities, Inc. )  
in Osceola County, and in )  
Bradford, Brevard, Charlotte, )  
Citrus, Clay, Collier, Duval, )  
Hernando, Highlands, )  
Hillsborough, Lake, Lee, Marion, )  
Martin, Nassau, Orange, Osceola, )  
Pasco, Polk, Putnam, Seminole, )  
St. Johns, St. Lucie, Volusia, )  
and Washington Counties. )

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ORDER ON REQUEST FOR ORAL ARGUMENT

On September 22, 1995, the Office of Public Counsel (OPC) filed a request for oral argument. OPC requested that the Commission grant oral argument on all of its pending motions.

OPC has filed numerous motions to dismiss and motions related to discovery. Because they may be dispositive of the entire case, OPC's motions to dismiss will be addressed by the entire Commission and the request for oral argument on pending motions to dismiss will not be ruled on herein. This Order addresses OPC's request to the extent that it relates to all other motions pending before the Prehearing Officer.

Rule 25-22.058(1), Florida Administrative Code, permits the Commission to grant oral argument, provided that: 1) the request is contained in a separate document; 2) the request accompanies the pleading upon which oral argument is requested; and 3) the request states "with particularity why oral argument would aid the Commission in comprehending and evaluating the issues before it." Failure to file a timely request for oral argument constitutes waiver of that request. While Rule 25-22.058(1), Florida Administrative Code, is contained in the "post hearing procedures" section of the Commission's rules, its requirements are applied to other filings. The purpose of the rule is to permit oral argument in situations where it is appropriate and necessary.

OPC's instant request does not meet the criteria set forth in Rule 25-22.058(1), Florida Administrative Code. It has not been filed as a separate document with the relevant pleadings, and, more importantly, has not stated with particularity why oral argument is appropriate to aid the Commission in making each decision. Therefore, excerpt as to the motions to dismiss, OPC's request for oral argument for all pending motions is denied.

DOCUMENT NUMBER-DATE

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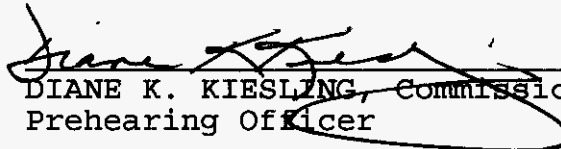
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Based on the foregoing, it is therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Office of Public Counsel's motion for oral argument as to all pending motions is hereby denied to the extent set forth in the body of this Order.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 13th day of October, 1995.

  
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.