

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in Lee County by Mobile Manor Water Company, Inc.	DOCKET NO. 090170-WU ORDER NO. PSC-09-0849-FOF-WU ISSUED: December 29, 2009
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ORDER WITHDRAWING CONSUMMATING ORDER


BY THE COMMISSION:

By Order No. PSC-09-0790-PAA-WU, issued November 30, 2009, in this docket, the Commission issued a notice of proposed agency action order approving an increase in rates and charges for Mobile Manor Water Company, Inc. (Mobile Manor or Utility). The Notice of Further Proceedings or Judicial Review attached to that order specified that a petition for a formal proceeding must be received by the Office of Commission Clerk, by December 21, 2009. On December 21, 2009, a timely petition for formal hearing was filed by approximately 169 customers. However, due to an administrative oversight, on December 23, 2009, a Consummating Order was filed, making Order No. PSC-09-0790-PAA-WU effective and final. Because a timely protest has been filed, this matter is not final and will be set for a formal administrative hearing. Therefore, Order No. PSC-09-0845-CO-WU, the Consummating Order, is hereby withdrawn.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-09-0845-CO-WU, making Order No. PSC-09-0790-PAA-WU effective and final, is hereby withdrawn and this matter will be set for a formal administrative hearing.

By ORDER of the Florida Public Service Commission this 29th day of December, 2009.



ANN COLE
Commission Clerk

(SEAL)

RRJ

DOCUMENT NUMBER-DATE

12230 DEC 29 8

FPSC-COMMISSION CLERK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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.