

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide wastewater service in Charlotte County by Island Environmental Utility, Inc. | DOCKET NO. 020745-SU  
ORDER NO. PSC-04-0253-PCO-SU  
ISSUED: March 8, 2004

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER DENYING RECONSIDERATION

BY THE COMMISSION:

By Order No. PSC-03-1415-PCO-SU, issued December 15, 2003, the Commission, among other things, granted Ms. Linda Bamfield and Mr. Ronald Koenig's Motions to Compel certain responses to discovery propounded by them upon Island Environmental Utility, Inc. (IEU). On December 23, 2003, IEU timely filed a Motion for Reconsideration of that portion of the Order. The Commission has jurisdiction pursuant to Section 367.121, Florida Statutes, and Rule 25-22.0376, Florida Administrative Code.

The standard of review for a motion for reconsideration is whether the motion identifies a point of fact or law which was overlooked or which the Commission failed to consider in rendering its Order.<sup>1</sup> In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered.<sup>2</sup> Furthermore, a motion for reconsideration should not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review."<sup>3</sup>

IEU's Motion for Reconsideration does not raise any point of fact or law that was not already adequately considered by the Commission. Because the information sought is reasonably calculated to lead to the discovery of admissible evidence, it is discoverable by the parties requesting it. Rule 1.280(b)(1), Florida Rules of Civil Procedure, does not provide a different standard for parties appearing *pro se*. Moreover, this Commission has safeguards in place to maintain the confidentiality of sensitive information, which safeguards are triggered by

<sup>1</sup> See Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315 (Fla. 1974); Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962); and Pingree v. Quaintance, 394 So. 2d 162 (Fla. 1st DCA 1981).

<sup>2</sup> Sherwood v. State, 111 So. 2d 96 (Fla. 3rd DCA 1959); citing State ex. rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958).

<sup>3</sup> Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d at 317.

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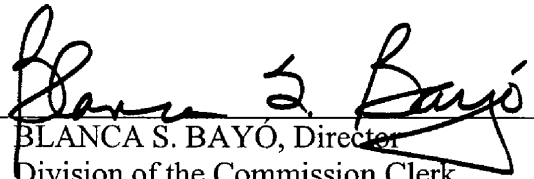
the request for confidential classification of the material. IEU has, to date, failed to file such a request.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Island Environmental Utility, Inc.'s Motion for Reconsideration of Order No. PSC-03-1415-PCO-SU is denied. IEU shall fully respond to the discovery requests at issue within 30 days of February 17, 2004, the date of this Commission's vote on this item. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 8th day of March, 2004.

  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(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.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.