

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
BAYSIDE UTILITY SERVICES, INC.,
for an increase in water and wastewater
rates in Bay County, Florida

DOCKET NO. 030444-WS

REQUEST FOR ORAL ARGUMENT
ON MOTION FOR COMMISSION TO RELINQUISH JURISDICTION

BAYSIDE UTILITY SERVICES, INC. (*Bayside*), by and through its undersigned counsel, pursuant to Rule 25-22.058, Florida Administrative Code, requests oral argument on the Motion for Commission to Relinquish Jurisdiction (*Motion*) filed by the Office of Public Counsel, and in support shows:

1. In its Motion, OPC presents a new and unprecedented theory as a basis on which this Commission should relinquish jurisdiction. To Bayside's knowledge, neither this Commission, nor any other regulatory body, has ever made a final disposition of a case by relinquishing jurisdiction to another fact-finder, where there is no express grant of discretion to do so.
2. The disposition that OPC urges this Commission to approve will set an unfortunate precedent that violates the clear directive of the Florida Legislature to this Commission concerning its jurisdiction, as set out in Section 367.171(5), Florida Statutes. Before this Commission makes a determination with such a substantial impact upon the water and wastewater industry, the Commission should allow a full and open discussion of the issues.
3. A hearing on the Motion, where each party can present oral arguments supporting

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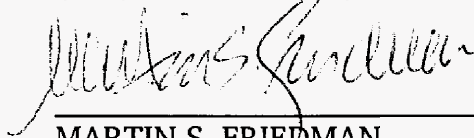
its position will assist the Commission in determining whether there is any reasonable and conclusive basis for taking the novel action urged by OPC.

4. Bayside requests fifteen minutes to present its position, and fifteen minutes for rebuttal.

BAYSIDE UTILITY SERVICES, INC. respectfully requests that this Commission grant its request for oral argument, and allow each party to orally present its arguments regarding OPC's Motion for Commission to Relinquish Jurisdiction.

Respectfully submitted this 7th day
of October, 2004, by:

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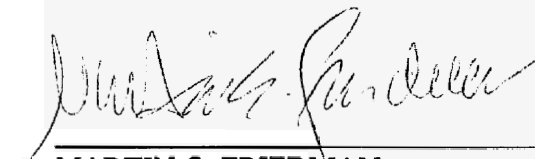
CERTIFICATE OF SERVICE
DOCKET NO. 030444-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Oral Argument on Motion for Commission to Relinquish Jurisdiction has been furnished by U.S.

Mail to the following parties on this 7th day of October, 2004:

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