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Public Service Commission

January 25, 2005

Mr. Jude Alcegueire
2913 S.W. 68th Avenue
Miramar, FL 33023

Re: Docket No. 041169-EI

CERTIFIED MAIL

Dear Mr. Alcegueire:

Chairman Baez asked me to respond on his behalf to your letter mailed January 21, 2005, and received by his office on January 25, 2005.

As we have previously discussed, the Commission fully complied with the requirements of due process, state administrative law, and PSC rules and regulations in the issuance of its Proposed Agency Action Order Dismissing Complaints (Order No. PSC-04-1252-PAA-EI) and its Order Denying Extension of Time (Order No. PSC-05-0037-PCO-EI).

Because you did not choose to file a timely protest of the Proposed Agency Action (PAA) Order, the Commission has issued Consummating Order No. PSC-05-0097-CO-EI making the PAA Order effective and final, and closing your complaint docket. At this time, there is no further action the Commission can take in regard to your complaints.

As indicated in the "Notice of Further Proceedings or Judicial Review" in the Consummating Order, you have 30 days – until February 24, 2005 – to seek judicial review of the Commission's action, if you choose to do so, by filing a notice of appeal with the Florida Supreme Court.

In brief response to the three points in your letter:

1. As stated in the PAA Order, and as both Mr. Melson and I communicated to you by telephone, you initially had 21 days from the issuance of the PAA order (until January 7, 2005) to file a protest and request an administrative hearing in which you could give your side of the story. That time was ultimately extended to January 21, 2005 by the Prehearing Officer's Order Denying Extension of Time, which required that a protest be received by the Commission Clerk's office by that date. You failed to take advantage of this 35-day period.

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2. If you had taken advantage of your right to protest the PAA Order, you would have had the opportunity to tell your side of the story in a formal administrative hearing, including your claim that you were denied due process. You were fully advised of this right.

3. The assignment of prehearing officers is guided by Section 2.05.C.4 of the Commission's Administrative Procedures Manual. Under that section, the Prehearing Officer is assigned by administrative personnel based on the rotation schedule established by the Chairman's office. That procedure was followed in this case.

In conclusion, the Commission and its staff can do nothing further at this time to assist you in regard to this matter.

Sincerely,



Martha Carter Brown
Senior Attorney

cc: Division of Commission Clerk and Administrative Services