

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MRS. WARREN)	DOCKET NO. 871372-WU
McCARTY against DELTONA UTILITIES,)	ORDER NO. 20760
INC., in Volusia County regarding)	ISSUED: 2-17-89
water bill)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
GERALD L. GUNTER

ORDER DENYING RECONSIDERATION

BY THE COMMISSION:

Deltona Utilities, Inc., ("utility"), provides water service to Mrs. Warren McCarty. On August 13, 1987, Mrs. McCarty filed a complaint with the Division of Consumer Affairs seeking relief from a water bill for \$51.54. The Division of Consumer Affairs reviewed the information submitted by the customer and the utility regarding the complaint and, on August 28, 1987, issued an informal written response to Mrs. McCarty stating its belief that she was billed properly. Mrs. McCarty disputed the informal response and requested an informal conference which was held on November 24, 1987 in Deltona. At the conference the customer and the utility presented data and argument supporting their respective positions. No agreement was reached and this matter was docketed for Commission consideration at its January 5, 1988 agenda conference. At that conference the Commission voted to deny the relief requested by the customer. The Commission's vote was documented in Order No. 18712, issued January 21, 1988, as proposed agency action. Pursuant to Section 120.57(1), Florida Statutes, Mrs. McCarty requested a hearing on Order No. 18712. On July 15, 1988, this Commission held a hearing in this matter. On October 25, 1988, after consideration of briefs filed by the parties, this Commission issued Order No. 20213, as a final order resulting from said hearing. On November 9, 1988, the Office of Public Counsel, on behalf of Mrs. McCarty, filed a document entitled Motion for Reconsideration and Request for Oral Argument. This document seeks reconsideration of Order No. 20213 and oral argument on the reconsideration motion. On November 21, 1988, Deltona Utilities, Inc., filed a Response to the Motion for Reconsideration. On December 5, 1988, Mrs. McCarty filed a document entitled Rebuttal for Reconsideration of Oral Argument. On February 7, 1989, we heard oral argument on the Motion for Reconsideration.

The purpose of a Motion for Reconsideration is to give the Commission an opportunity to consider matters which it failed to consider or misapprehended. The pleadings filed and arguments offered by Mrs. McCarty and the Office of Public Counsel do not assert such matters. Instead, they describe dissatisfaction with the Commission's decision and restate the same arguments and evidence that has already been considered and rejected by the Commission. No purpose would be served by reconsideration under these circumstances. Therefore we find it appropriate to deny the Motion for Reconsideration.

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WHEREFORE, in consideration of the foregoing, and being otherwise fully informed of the premises, it is

ORDERED by the Florida Public Service Commission that the request for reconsideration of Order No. 20213 is denied. It is further

ORDERED that Order No. 20213 is hereby affirmed in all respects. It is further

ORDERED that Docket No. 871372-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th day of FEBRUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DAS

NOTICE OF 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 the Commission's final action in this matter may request 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.