

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ORANGE-OSCEOLA )	DOCKET NO. 871134-WS
UTILITIES, INC. to increase water and )	ORDER NO. 21076
sewer rates in Osceola County )	ISSUED: 4-20-89
_____)	

ORDER DENYING REQUESTS FOR ORAL ARGUMENT

On February 19, 1988, Orange-Osceola Utilities, Inc. (OOU or Utility) filed an application for increased water and sewer rates in Osceola County. OOU requested interim and final rates designed to generate annual revenues of \$561,785 for water service and \$1,579,941 for sewer service. The requested revenues exceed test year revenues by \$185,326 (49.23 percent) for water and \$521,807 (49.31 percent) for sewer.

On March 16, 1988, the Office of Public Counsel (OPC) served notice of its intervention in this docket on behalf of OOU's customers. By Order No. 19081, issued April 4, 1988, we acknowledged OPC's intervention.

By Order No. 19164, issued April 18, 1988, we suspended the proposed rates and granted interim rate increases, subject to refund, designed to generate annual revenues of \$403,436 for water and \$1,313,483 for sewer. These revenues represented annual increases of \$30,191 (8.09 percent) for water and \$263,700 (25.12 percent) for sewer.

A formal hearing regarding OOU's rate application was held on August 4 and 5, 1988, in Kissimmee, Florida. By Order No. 20434, issued December 8, 1988, we granted increased rates for water and wastewater service. The final revenue requirement for water service was higher than the revenue requirement established for interim purposes. Therefore, no refund was required for the water operations. However, since the final revenue requirement for wastewater service was less than the revenue requirement established for interim purposes, by Order No. 20434, we required to refund 6.63 percent of the interim wastewater revenues collected, excluding miscellaneous service revenues of \$1,141.

On December 23, 1988, OOU filed a motion for reconsideration of Order No. 20434. Also on December 23, 1988, OOU filed a request for oral argument on its motion. On January 4, 1989, OPC filed a response to OOU's motion for reconsideration and a cross motion for reconsideration of Order No. 20434. Along with its response and cross motion, OPC also filed a request for oral argument on those matters. On January 17, 1989, OOU filed a response to OPC's cross motion for reconsideration.

Prior to March 21, 1989, the Director of the Division of Legal Services (Legal Director) had the authority to grant, but not deny, requests for oral argument, pursuant to Section 2.08(C)3b of the Administrative Procedures Manual. The Legal Director, therefore, granted the parties' requests for oral argument. Oral argument on the various motions, cross motions and responses was originally scheduled for March 13, 1989. Prior to that date, however, upon the motion of the Prehearing Officer in this case, oral argument was postponed pending the Commission's decision, at the March 21, 1989 Internal Affairs

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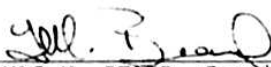
meeting, whether to divest the Legal Director of the authority to grant requests for oral argument. At the March 21, 1989 Internal Affairs meeting, the Commission decided to relieve the Legal Director of the power to grant requests for oral argument. The power to grant, as well as deny, requests for oral argument currently resides in the Prehearing Officer.

In this case, the Prehearing Officer does not believe that granting oral argument will aid the Commission in its understanding of the issues or the parties' positions. The parties have already argued their positions at hearing and in their briefs. Further, the Prehearing Officer believes that the parties' motions for reconsideration and responses thereto make their positions abundantly clear. The Prehearing Officer, therefore, believes that it is appropriate to deny the parties' requests for oral argument.

It is, accordingly,

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the parties' requests for oral argument, regarding their motions for reconsideration and responses thereto, are hereby denied.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 20th day of APRIL, 1989.

  
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THOMAS M. BEARD, Commissioner  
and Prehearing Officer

( S E A L )

RJP

NOTICE OF FURTHER PROCEEDINGS OR 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by

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the Commission; or 3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, 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.