

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Application of St. George Island	)	DOCKET NO. 871177-WS
Utility Company, Ltd., for increased	)	ORDER NO. 21435
rates and service availability charges)	)	ISSUED: 6-26-89
for water service provided to the	)	
general public in Franklin County	)	
	)	

ORDER DENYING ORAL ARGUMENT

On April 24, 1989, this Commission issued Order No. 21122, Final Order Setting Rates and Charges and Directing Compliance. On May 9, 1989, the Office of Public Counsel, ("OPC"), filed a Motion for Reconsideration of said order. On May 10, 1989, OPC filed a Request for Oral Argument on its motion. On May 10, 1989, St. George Island Utility Company, Ltd., ("SGI" or "utility"), filed a Response to Motion for Reconsideration.

Section 25-22.060(1)(f), Florida Administrative Code, provides that oral argument on a motion for reconsideration shall be granted solely at the discretion of the Commission. Upon review of the relevant pleadings, I do not believe that there is a need for oral argument to aid the Commission in understanding and evaluating the issues raised.

Furthermore, OPC's request for oral argument was filed separately, and one day later than, its motion for reconsideration. Failure to file the request with the motion violates Section 25-22.058, Florida Administrative Code which requires that the request accompany the motion. Therefore, the request for oral argument can be considered untimely in that it was filed after the motion which was filed on the last timely day. Section 25-22.058, Florida Administrative Code, provides that failure to file a timely request for oral argument shall constitute waiver thereof.

Wherefore, in consideration of the foregoing, it is

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the request of the Office of Public Counsel for oral argument on the motion for reconsideration of Order No. 21122 is denied.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 26th day of JUNE, 1989.

John T. Herndon  
JOHN T. HERNDON, Commissioner  
and Prehearing Officer

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders

DOCUMENT NUMBER - DATE

06260 JUN 26 1989

FDSC-RECORDS/REPORTING

ORDER NO. 21435  
DOCKET NO. 871177-WS  
PAGE 2

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 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.