

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of HUGH KEITH)	DOCKET NO. 890450-WS
against BEVERLY BEACH ENTERPRISES,)	ORDER NO. 22215
INC., d/b/a BEVERLY BEACH SURFSIDE)	ISSUED: 11-21-89
UTILITY CO. for overcharge of CIAC)	
in Flagler County.)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING REQUEST TO WITHDRAW
MOTION FOR SUMMARY JUDGMENT

BY THE COMMISSION:

On March 28, 1989, Hugh Keith filed a complaint against Beverly Beach Enterprises, Inc. d/b/a Beverly Beach Surfside Utility Co. (Beverly Beach) for alleged overcharges of contributions-in-aid-of-construction. On the basis of Mr. Keith's complaint, an administrative hearing was scheduled for November 8, 1989.

Beverly Beach filed a Motion for Summary Judgment on October 3, 1989. By letter dated October 24, 1989, Beverly Beach requested that its motion be withdrawn. We find that this request is reasonable and hereby grant Beverly Beach's request to withdraw its Motion for Summary Judgment.

It is, therefore,

ORDERED by the Florida Public Service Commission that Beverly Beach's request to withdraw its Motion for Summary Judgment is hereby granted.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Florida Public Service Commission
this 21st day of NOVEMBER, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DCS

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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.