

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Rates of Sunshine) DOCKET NO. 881030-WU
 Utilities in Marion County for possible) ORDER NO. 23898
 overearnings.) ISSUED: 12-19-90
 _____)

The following Commissioners participated in the disposition of this matter:

BETTY EASLEY
 GERALD L. GUNTER

ORDER GRANTING MOTION FOR STAY OF ORDER NO. 22969

By the Commission:

By Motion for Stay filed September 13, 1990, Sunshine Utilities has requested that we stay the effectiveness of Order No. 22969, issued May 23, 1990, requiring the Utility to make a refund to its customers. The Motion for Reconsideration of Order No. 22969 filed by Sunshine Utilities was denied by the Commission by Order No. 23354, issued August 15, 1990.

Sunshine Utilities also filed a Notice of Appeal of Order No. 22969 with the First District Court of Appeal on September 13, 1990. Pursuant to Rule 25-22.061, Florida Administrative Code, this Commission is required to grant a stay pending appeal if the Order being appealed requires a refund to customers. That Rule also provides that the Utility involved shall post sufficient bond to secure such refund. Sunshine Utilities has, in fact, posted a sufficient bond. Therefore, we find it appropriate to grant Sunshine Utilities' Motion for Stay of Order No. 22969.

It is, therefore,

ORDERED by the Florida Public Service Commission that Sunshine Utilities' Motion for Stay of Order No. 22969 is hereby granted. It is further

ORDERED that this docket shall remain open until the resolution of the appeal.

DOCUMENT NUMBER-DATE

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By ORDER of the Florida Public Service Commission, this
19th day of DECEMBER, 1990.


STEVE TRIBBLE, Director
DIVISION OF RECORDS AND REPORTING

(S E A L)

SFS

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.