

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Consumer) DOCKET NO. 910056-PU
John Falk regarding resale of) ORDER NO. PSC-92-0031-FOF-PU
electricity and gas by the H.) ISSUED: 3/10/92
Geller Management Company.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON

ORDER DENYING RECONSIDERATION

BY THE COMMISSION:

H. Geller Management Corporation (Geller) contracted a service and maintenance agreement with Terrace Park of Five Towns, Number 15, Inc., a condominium association. John F. Falk (Falk) owns a condominium unit at Terrace Park and pays Geller for its management services, including the provision of gas (for individual units) and electricity (for all common areas).

This matter was initiated by complaint filed with the Commission's Division of Consumer Affairs, in which Falk alleged that Geller overcharged him. Specifically, Falk claimed that Geller bought gas and electricity from public utilities and then, contrary to law, resold those resources to individual customers at a profit.

A full evidentiary hearing on this matter was held in St. Petersburg, Florida. In Order No. 25234, issued in this docket on October 19, 1991, we ruled that Geller had not resold electricity at a profit, and specifically found that Geller was not an electric utility engaged in the sale of electricity.

On October 31, 1991, Falk filed a Motion for Reconsideration of Order No. 25234. On November 7, 1992, Geller filed its response to Falk's Motion for Reconsideration.

The purpose of a motion for reconsideration is to bring to the attention of the Commission some point of fact or law which was overlooked, or which we failed to consider when rendering an order in the first instance. See Diamond Cab Co. v. King, 146 So.2d 889 (Fla. 1962); Pingree v. Quaintance, 394 So.2d 161 (Fla. DCA 1981). It is not an appropriate avenue for rehashing matters which we have already considered.

In this docket Falk's Motion For Reconsideration does not raise anything that was not already adequately considered by the Commission. Here, pursuant to the terms of a contract, Geller

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provided services to condominiums, with the price of these services being indexed to the price of electricity. This was not a direct resale of electricity to the ultimate consumers of the electricity.

It is therefore,

ORDERED by the Florida Public Service Commission that the Motion For Reconsideration filed by John Falk on October 31, 1991, is hereby denied. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this
10th day of MARCH, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: *Kay J. [Signature]*
Chief, Bureau of Records

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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 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

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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.