

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application to Modify) DOCKET NO. 931216-WS
Service Availability Charges in) ORDER NO. PSC-94-0292-PCO-WS
Collier County by Orange Tree) ISSUED: March 14, 1994
Utility Company.)
_____)

ORDER GRANTING PETITION TO INTERVENE

BY THE COMMISSION:

By Petition to Intervene filed January 13, 1994, Naples Orangetree, Ltd., (Naples Orangetree) by and through its attorney, Mr. Peter M. Dunbar, requests leave to intervene in this proceeding. This proceeding involves an application to modify service availability charges by Orange Tree Utility Company (Orange Tree or utility) which provides water and wastewater service in Collier County, Florida. In support of its Petition, Naples Orangetree states that it owns property within the development that can only be served by Orange Tree. Naples Orangetree also states that the utility refuses to provide service until such time that it, Naples Orangetree, agrees to the terms of a specific developer agreement that has been offered by Orange Tree. In addition, Naples Orangetree states that since the developer agreement is intended to supersede its previous agreements with Orange Tree, it is detrimental to its interests.

Having reviewed the Petition, it appears that Naples Orangetree's substantial interests may be affected by this proceeding. Therefore, this Petition to intervene is hereby granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Naples Orangetree, Ltd., takes the case as it finds it.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Naples Orangetree, Ltd., is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to Mr. Peter M.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0292-PCO-WS
DOCKET NO. 931216-WS
PAGE 2

Dunbar, Esquire, Pennington & Haben, P.A., Post Office Box 10095,
Tallahassee, Florida 32302.

By ORDER of the Florida Public Service Commission, this 14th
day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JBL

by: Kay Flynn
Chief, Bureau of Records

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 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 wastewater 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.