

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 940176-WU
from Florida Public Service) ORDER NO. PSC-94-1045-PCO-WU
Commission Regulation for) ISSUED: August 25, 1994
Provision of Water Service in)
Palm Beach County by ROYAL MANOR)
ESTATES COMMUNITY WATER)
_____)

ORDER GRANTING PETITION TO INTERVENE

BY THE COMMISSION:

By Petition filed June 2, 1994, the FEDERATION OF MOBILE HOME OWNERS OF FLORIDA, INC. ("FMO") requested leave to intervene in this proceeding. FMO is a Florida not-for-profit corporation organized for the benefit of its members, who are residents of mobile home parks in the State of Florida. In support of its Petition, FMO states that the interests of FMO and its members are directly and substantially affected by the subject matter of this docket and the determination to be made by the Commission therein. ROYAL MANOR ESTATES COMMUNITY WATER ("ROYAL MANOR") filed a motion to dismiss the Petition on June 15, 1994. FMO filed a response to ROYAL MANOR's motion to dismiss on June 23, 1994.

Having reviewed the Petition and subsequent related pleadings, it appears that FMO has satisfied both prongs of the two prong test set forth in Agrico Chem. Co. v. Dept. of Environmental Reg., 406 So.2d 478, 482 (Fla. 2d DCA 1981). As owners of the mobile homes in the service area in this Docket, a substantial number of FMO's members clearly may have their substantial interests affected by this proceeding. Therefore, the Petition should be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FMO 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 the FEDERATION OF MOBILE HOME OWNERS OF FLORIDA, INC., is hereby granted. It is further

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FPSC-RECORDS/REPORTING

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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:

Peter M. Dunbar, Esq.
Pennington & Haben, P.A.
Post Office Box 10095
Tallahassee, FL 32302

Lucinda Warren, Esq.
Federation of Mobile Home
Owners of Florida, Inc.
Post Office Box 5350
Largo, Florida 34649-5350

By ORDER of the Florida Public Service Commission, this 25th day of August, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. J. J.
Chief, Bureau of Records

(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 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

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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.