

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-97-0190-PCO-WS
availability charges by Southern) ISSUED: February 19, 1997
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola County, and in)
Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St.)
Johns, St. Lucie, Volusia, and)
Washington Counties.)
_____)

ORDER DENYING MOTION TO ESTABLISH SCHEDULE FOR
FILING MOTIONS FOR RECONSIDERATION

On December 2, 1996, and as clarified by order on December 31, 1996, the First District Court of Appeal relinquished jurisdiction for this Commission to rule on all motions and cross-motions for reconsideration of Order No. PSC-96-1320-FOF-WS, issued October 30, 1996.

On January 9, 1997, the Office of Public Counsel filed a motion to establish a schedule for filing motions for reconsideration, which is the subject of this Order. This motion is not a motion for reconsideration, nor was it filed within the time required for the filing of post-hearing motions. Additionally, the First District Court of Appeal has made it abundantly clear in City of Hollywood v Public Employee Relations Commission, 432 So.2d 79 (Fla. 4th DCA 1983), as recently applied in Citizens of the State of Florida v. North Fort Myers Utility, Inc. and the Public Service Commission, No. 95-1439 (Fla. 1st DCA, November 16, 1995)(order dismissing appeal), that the time schedules for seeking reconsideration are established by rule and are therefore not subject to the discretion of the Commission. Further, the full Commission will rule on all motions and cross-motions for reconsideration in the near future. For these reasons, OPC's motion is denied.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the motion to establish a schedule for the filing of motions for reconsideration filed by the Office of Public Counsel is denied.

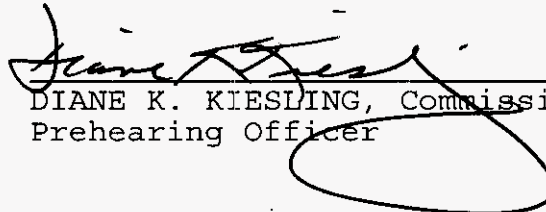
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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 19th day of February, 1997.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 25-22.0376, 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.