

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of merger of Utilities, Inc. and Nuon Acquisition Sub, Inc., an Illinois corporation, and for determination of Commission's jurisdiction of such merger.

DOCKET NO. 010887-WS  
ORDER NO. PSC-01-1647-PAA-WS  
ISSUED: August 13, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING PETITION FOR AND WAIVER OF VARIANCE OF RULES 25-30.030(4)(C), (5), (6), AND (7) AND 25-30.037(3)(I), (J), and (K), F.A.C.

AND

FINAL ORDER DETERMINING MERGER TO BE WITHIN COMMISSION JURISDICTION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein concerning waiver of Rules concerning waiver of Rules 25-30.030(4)(c), (5), (6), (7) and 25-30.037(3)(i), (j), (k), Florida Administrative Code, is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

On June 25, 2001, Utilities, Inc. filed an Application for Approval of Merger and Jurisdictional Determination, and an accompanying Petition requesting an emergency temporary variance

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from Rules 25-30.030(4)(c), 25-30.030(5), (6), and (7), and 25-30.037(3)(i), (j), and (k), Florida Administrative Code.

Utilities, Inc., an Illinois corporation, is the corporate parent of 15 utilities within the State of Florida. Those 15 utilities are wholly owned by Utilities, Inc. Utilities, Inc. owns approximately 80 utilities throughout 16 states. Utilities, Inc. does not itself operate any utilities.

Nuon Acquisition Sub, Inc., another Illinois corporation, is seeking to merge with Utilities, Inc., whereby Utilities, Inc. would be the sole surviving corporation under 100% majority control by Nuon Acquisition Sub, Inc. Nuon Acquisition Sub, Inc. is a wholly owned subsidiary of nvNuon, a Netherlands corporation with operations in various countries around the world, specializing in energy and water utilities and related business lines.

The terms of the merger would involve Nuon Acquisition Sub, Inc. being subsumed by Utilities, Inc., with Utilities, Inc. continuing as the sole remaining entity and retaining ownership of the subsidiary utility service providers. This Order determines Utilities, Inc.'s application for jurisdictional determination and petition for an emergency temporary variance from Rules 25-30.030(4)(c), 25-30.030(5), (6) and (7), and 25-30.037(3)(i), (j) and (k), Florida Administrative Code. A subsequent order will be issued regarding the Application for Approval of Merger. We have jurisdiction pursuant to Sections 367.071 and 120.542, Florida Statutes.

#### JURISDICTION OVER THE MERGER

As discussed above, Utilities, Inc. filed an Application for Approval of Merger and Jurisdictional Determination on June 25, 2001. Paragraph five of that Application contains Utilities, Inc.'s argument as to why the proposed merger is not subject to the Commission's jurisdiction.

In short, Utilities, Inc. argues that because Utilities, Inc. is not a "utility" as defined by Section 367.021(12), Florida Statutes, then the merger of Utilities, Inc. with Nuon Acquisition Sub, Inc. does not come within the jurisdiction of this Commission. Utilities, Inc. bases this argument in part on the fact that it

does not actually provide utility services to consumers, but rather is a parent corporation which wholly owns 15 utility services providers in Florida, and in part because it does not meet the literal definition of "utility" or "service provider" as defined in Sections 367.021(12) and 367.021(11), Florida Statutes.

In support, Utilities, Inc. cites several Florida Administrative Code provisions, Rules 25-30.037(3)(c), (h), (i), (j), and (k), which it asserts are inapplicable to this particular merger, with the argument that since the Rules are inapplicable, then this merger cannot be of the type subject to this Commission's jurisdiction.

Section 367.021(12), Florida Statutes, defines "utility" as follows:

"Utility" means a water or wastewater utility and, except as provided in s. 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.  
(emphasis added)

In the instant docket, we find that Utilities, Inc. fits within the definition of "utility", in that it is the parent company of 15 actual utility service providers. Utilities, Inc. owns 100% of each of those companies, and therefore cannot argue that it does not "own, operate, manage or control" those systems, even if it, as the parent company and sole shareholder, does not carry out the actual, day to day business of running each individual subsidiary utility service provider. Utilities, Inc.'s argument that because it does not actually run the day to day operations of each individual wholly-owned utility service provider, it is exempt from the definition of a "utility" pursuant to Section 367.021(12) is contrary to the intent of that statutory provision. We find that Utilities, Inc. is in fact a "utility" as defined by statute, and therefore is subject to the jurisdiction of this Commission. We are mindful that we have, in a number of prior dockets, adopted an approach consistent with this ruling.

In Order No. PSC-95-0215-FOF-WS, issued October 11, 1994, in Docket No. 940743-WS, Jacksonville Suburban Utilities Corporation (Jacksonville Suburban) was a wholly owned subsidiary of General Waterworks Corporation (General Waterworks), which was a wholly owned subsidiary of GWC Corporation (GWC). GWC merged into United Water Resources Inc. (United Water), with the result that United Water became the corporate "grandparent" of Jacksonville Suburban.

On the date the boards of GWC and United Water approved the merger, the senior attorney of General Waterworks informed the Commission of the merger by letter, further advising us that General Waterworks did not believe the merger would require Commission approval under Section 367.071, Florida Statutes, because there were no proposed changes to Jacksonville Suburban's (the actual service provider) operations. Commission staff informed General Waterworks that staff believed the merger was in fact subject to the Commission's jurisdiction. In response, Jacksonville Suburban and United Water Resources filed a joint application for transfer of majority organizational control. There is no explicit discussion in the order of the reasoning why the application was filed, but there is explicit discussion that Section 367.071(1), Florida Statutes, did apply in that case (a merger of corporate grandparents, with no change to the operations of the actual utility service provider).

The clear language of the Jacksonville Suburban case demonstrates that it is the policy of this Commission that we have has the statutory duty to approve a merger of corporate parents, even though those parents did not in fact manage the operations of the utility service provider. We note that in that case, the merger involved corporate "grandparents", not the actual "parent" or direct owner of the utility service provider in question.

In a more recent decision, in Order No. PSC-00-0475-FOF-WS, issued March 6, 2000, in Docket No. 991660-WS, United Water sought to merge with Lyonnaise American Holdings (Lyonnaise). United Water was the corporate parent of United Waterworks, Inc., which was the corporate parent of United Water, Florida, the actual utility service provider. Lyonnaise American Holdings was a wholly owned subsidiary of Suez Lyonnaise des Eaux (SLDE), a French corporation with operations in over 120 countries, concentrating in electricity, natural gas, wastewater services, water services, and

communications. Lyonnaise appears to be very similar to nvNuon, the parent of Nuon Acquisition Sub, Inc. (the corporation seeking to merge with Utilities, Inc.).

In Lyonnaise, the Commission exempted United Water Florida from full compliance with several of the same provisions of the Florida Administrative Code from which Utilities Inc. seeks relief. Further, the language of the order indicates that we granted these rule variances at least in part based on the fact that the actual operations of the utility service provider, United Water Florida, were not changing. There was again no explicit discussion of the basis for the assertion of our jurisdiction to approve the transfer.

In another case we found that the reorganization of certain corporate entities did not rise to the level of a Section 367.071, Florida Statutes, transfer. In Order No. 25575, issued January 7, 1992, in Docket No. 910662-WS, three utility service providers, Southern States Utilities, Deltona Utilities, and United Florida Utilities Corporation informed the Commission of their intent to merge into one entity. All three were wholly-owned subsidiaries of Topeka Group Incorporated, which was itself a wholly-owned subsidiary of Minnesota Power and Light Company. We found that because all three utility service providers had the same owner, and that no actual ownership or majority organizational control was changing, but rather a restructuring of entities was taking place, the application did not rise to the level of a Section 367.071, Florida Statutes, transfer which would require Commission approval. The distinguishing factor in that case was that there was no merger by the parent corporations with other entities or ownership transfers, but rather a reorganization/merger among wholly-owned subsidiaries. As the actual ownership or majority organizational control did not change, we found the reorganization did not rise to the level of a Section 367.071, Florida Statutes, transfer and therefore Commission approval was not required.

As the above orders clearly demonstrate, we have a significant history of determining that mergers or transfers of majority organizational control at the corporate parent or grandparent level require the approval of this Commission pursuant to Section 367.071, Florida Statutes. Therefore, Utilities, Inc.'s argument that we do not have jurisdiction to require Utilities, Inc. to seek Commission approval prior to merging with Nuon Acquisition Sub, Inc. is without

merit. We find that the proposed merger is subject to our jurisdiction. Therefore, Utilities, Inc. shall proceed with its application for transfer of majority organizational control pursuant to Section 367.071, Florida Statutes.

RULE WAIVER OR VARIANCE

Rules 28-104.004(2)(a) and (b), Florida Administrative Code, provide that a petition for an emergency rule waiver shall specify, in addition to the other requirements of Section 120.542(5), Florida Statutes, the following:

(a) The specific facts that make the situation an emergency; and

(b) The specific facts to show that the petitioner will suffer an immediate adverse effect unless the variance or waiver is issued more expeditiously than the time frames provided in Section 120.542, Florida Statutes.

Section 120.542(5), Florida Statutes, states in pertinent part that:

In addition to any requirements mandated by the uniform rules, each petition shall specify:

(a) The rule from which a variance or waiver is sought.

(b) The type of action requested.

(c) The specific facts that would justify a waiver or variance for the petitioner.

(d) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.

Therefore, in order to qualify for an emergency rule variance or waiver, Utilities, Inc. must show specific facts which would justify a waiver or variance, the reason(s) the variance or waiver



would serve the purpose of the underlying statute, the specific facts which make Utilities, Inc.'s request an emergency, and the specific facts which demonstrate the immediate adverse effect that a failure to grant the emergency variance would cause Utilities, Inc.

Rules From Which Variance is Sought

Utilities, Inc. has requested a temporary variance from the requirements of Rules 25-30.030(4)(c), (5), (6), and (7), and 25-30.037(3)(i), (j), and (k), Florida Administrative Code, for the purpose of its Application for Approval of Merger and Jurisdictional Determination, filed June 25, 2001.

Rule 25-30.030(4)(c), Florida Administrative Code, states that notice of the application shall include a description, using township, range and section references, of the territory proposed to be either served, added, deleted, or transferred. Utilities, Inc. would use an abbreviated notice which would list the names of the 15 individual utilities and their county of operation in lieu of the description of the territory.

Rule 25-30.030(5), Florida Administrative Code, requires that the utility shall provide a copy of the notice of application by regular mail to certain listed persons and entities within seven days of filing its application. Utilities, Inc. proposes to provide a copy of the abbreviated notice, requested above, to these persons and entities, in the manner prescribed by rule, but within ten days, instead of seven, of this Commission's determination of its request.

Rule 25-30.030(6), Florida Administrative Code, requires that no sooner than 21 days before the filing of the application, nor later than seven days after the application is filed, the utility provide a copy of the notice of application to all customers by U.S. Mail. Utilities, Inc. proposes to mail a copy of the abbreviated notice, requested above, within ten days of this Commission's determination of its request.

Rule 25-30.030(7), Florida Administrative Code, requires that the notice of application shall be published once in a newspaper of general circulation in the territory the utility serves. Publication is to be within seven days after the filing of the

application. Utilities, Inc. proposes to fulfill this requirement by publication of the abbreviated notice, requested above, within ten days of this Commission's determination of its request.

Rule 25-30.037(3)(i), Florida Administrative Code, requires that the applicant for approval of transfer of majority organizational control file evidence that the utility owns or has continued use of the land upon which the treatment facilities are located. Utilities, Inc. requests that we consider the evidence of land ownership which has previously been filed by the individual utilities with this Commission in lieu of re-filing this same information.

Rule 25-30.037(3)(j), Florida Administrative Code, requires an applicant for approval of transfer of majority organizational control to file the original and two copies of tariff sheets reflecting the change in ownership. Utilities, Inc. requests that it not be required to re-file the existing tariff sheets as there is no change in the name of the legal owner.

Rule 25-30.037(3)(k), Florida Administrative Code, requires the applicant for approval of transfer of majority organizational control to file its Certificates of Authorization. Utilities, Inc. requests that it not be required to re-file the Certificates as there are no changes in the name of the legal owner of the certificate holders.

#### Reasoning In Support of Emergency Rule Waiver and Variance

As to Rule 25-30.030(4)(c), Florida Administrative Code, Utilities, Inc. requests that it be allowed to use a one page notice of application (with a list of names of the 15 utilities in question as well as the county in which they operate), to be provided as required by rule to county authorities, Public Counsel, agencies, utilities, and all customers. The proposed sample notice has been filed with and received by the Commission. Utilities, Inc. argues that the customers know the name of the individual utility providing service to them, and will be able to identify that utility on the notice form. Further, Utilities, Inc. argues that, as the purpose of the notice is to allow interested persons an entry into the administrative process, this purpose is accomplished by the one page



notice with the name of the utility without an accompanying full legal description.

As to Rules 25-30.030(5), (6) and (7), Florida Administrative Code, Utilities, Inc. requests variance from the dates for service/publication of the above requested abbreviated notice of application. Essentially, Utilities, Inc. argues that it would be impractical to require adherence to noticing deadlines which relate to the date the actual Application for Approval of Merger and Jurisdictional Determination was filed, before Utilities, Inc. receives a decision from this Commission regarding whether the one page notice variation requested will be approved. Utilities, Inc. states that it will comply with all required notice procedures within ten days of our approval of the notice form variant requested.

As to Rules 25-30.037(3) (i), (j) and (k), Florida Administrative Code, Utilities, Inc. argues that since it does not hold certificates or tariff sheets, but that they are held by the actual subsidiary utilities, it should not be required to file such for this Application for Approval of Merger and Jurisdiction Determination. Similarly, since the proposed merger will not affect the actual titleholder of the real property on which the 15 utilities are located, it should not be required to file proof of ownership. Utilities, Inc. argues that all of these documents have already been filed with this Commission, in various previous actions, and are accessible through our records. Utilities, Inc. argues that it would serve no useful purpose to be required to file the above documents in this docket, and would constitute an unnecessary burden and expense.

In support of the emergency nature of this Petition, Utilities, Inc. refers to the fact that this merger is extremely large, involving over 80 utilities in 16 states. Having to wait for a minimum of 90 days for Commission approval would cause delay in coordination of the merger with all other states and regulatory bodies, and could quite possibly cause extreme expense and delay in a merger which is anticipated to be accomplished by the first quarter of 2002.

Utilities, Inc. also asserts that the 15 actual utility service providers, the corporate subsidiaries of Utilities, Inc., will not

in any way be changing. Those utilities will retain the same names, rate structures, and even ownership, in that Utilities, Inc. will remain the corporate parent of all 15 utility companies, with Nuon Acquisition Sub, Inc. being merged into Utilities, Inc.

Utilities, Inc. has demonstrated specific facts which justify a waiver or variance, that variance or waiver would serve the purposes of the underlying statute, that the situation is an emergency, and that Utilities, Inc. will suffer an immediate adverse effect if the variances or waivers are not granted.

Section 120.542(8), Florida Statutes, allows the Commission 90 days in which to grant or deny a non-emergency petition for variance or waiver after it is deemed complete. In addition, Section 120.542(5) allows for an additional 30 days for us to determine if the application is complete. With time for Utilities, Inc. to add any additional information required to complete the application, it could take in excess of 120 days for us to approve a non-emergency Petition for Variance or Waiver. As Utilities, Inc. is pursuing a multi-state merger, with coordinated timetables and schedules, which must be completed before further progress on the merger can be taken, Utilities Inc. has justified the use of the emergency rule waiver procedure. We find that these facts constitute sufficient grounds to find that this is an emergency situation which would support the granting of an emergency rule variance or waiver.

Further, we find that there is reasonable basis to conclude that the 90 day statutorily authorized time to process the non-emergency rule waiver or variance procedure would in fact cause Utilities, Inc. to suffer immediate adverse effects by not being able to coordinate the regulatory approval with other state public service commissions because of the merger's timetable. Further, we find support for Utilities, Inc.'s contention that it is likely all regulatory approvals would be secured and the merger completed by the first quarter of 2002 and that it is unreasonable for Utilities, Inc. to expend the necessary funds in the other regulatory entities before proceeding in Florida because of the 90 plus day delay. Therefore, we find that proceeding under the Emergency Variance and Waiver provisions of Rule 28-104.004, Florida Administrative Code, is appropriate.

The underlying statute pertaining to the rules requested to be waived in this instance are Sections 367.071 and 367.045, Florida Statutes. Section 367.071(1), Florida Statutes, requires Commission approval for a transfer of majority organizational control. Section 367.071(4), Florida Statutes, requires that this type of application be disposed of as provided in Section 367.045, Florida Statutes. Section 367.045(1)(a), Florida Statutes, states that a utility shall "[p]rovide notice of the actual application filed by mail or personal delivery to the governing body of the county or city affected, to the Public Counsel, to the commission, and to such other persons and in such other manner as may be prescribed by commission rule." The purpose of Sections 367.071 and 367.045, Florida Statutes, is to ensure that the utility's actions are in the public interest and that the utility has provided notice as prescribed by statute and this Commission's rules. Utilities, Inc. will satisfy the underlying purposes of the statutes by using a one-page notice of its Application for Approval of Merger and Jurisdictional Determination. In order to satisfy the purpose of the statutes, the abbreviated notice shall be provided by U.S. Mail to each consumer, published in the newspaper of general circulation in each county served by a utility owned by Utilities, Inc., and sent to all other required persons or bodies.

In support of its petition for an emergency temporary waiver, Utilities, Inc. cites to Order No. PSC-99-2422-PAA-WS, issued December 9, 1999, in Docket No. 991660-WS; In re: Petition by United Water Florida Inc. for emergency temporary variance from Rule 25-30.030(4)(c), Florida Administrative Code, as an example of the Commission granting a temporary variance of the same rules that Utilities, Inc. is requesting a temporary variance from in this instance. In that matter, the Commission stated that "United Water Florida, Inc. shall provide by mail, to customers, agencies, and utilities a one page notice (with a map of its territories) of its application for transfer." Moreover, the Commission allowed newspaper publication under the same reasoning. The distinguishing factor in that case was the inclusion, with the notice, of a map visually representing the service areas.

Utilities, Inc. did not ask specifically to be relieved of the requirement that a map be appended to the proposed abbreviated notice, but it appears that Utilities Inc. does not intend to provide a map with the notice. The proposed abbreviated notice

provided by Utilities, Inc. does not include a map, and in this case there would have to be 15 separate maps, one for each utility. Since the purpose of the notice is to ensure the customers receive clear notice of this proceeding and an entry into the administrative process, we do not find it necessary to require a map or visual representation in this case in addition to the one page notice. We find the addition of at least 15 maps would increase confusion to customers about whether they are served by one of the affected utilities. Consumers can be expected to know by which water utility they are served, and the abbreviated notice proposed by Utilities, Inc. without the map will provide them with a sufficient point of entry to participate in the administrative process, should they so choose.

We find that Utilities, Inc.'s proposed notice is an acceptable way to provide actual notice of the Application and the territories affected, which will best ensure that substantially affected persons receive actual notice of Utilities, Inc.'s application. Therefore, we find that the underlying purpose of the statutes will be met by providing a one page notice which clearly and simply conveys that the application has been filed to all the required persons and bodies.

With respect to the filing of proof of ownership of land upon which the facility is located, certificates of authorization, and tariff sheets, (Rules 25-30.037(3)(i), (j), and (k)), we find that requiring Utilities, Inc. to file these documents from each of the 15 subsidiary corporations in this docket would be unduly burdensome to Utilities, Inc. and would not further the underlying purposes of the statute. Since no change in the name of the parent corporation of these subsidiaries is taking place, nor are the names of the 15 actual utility corporations themselves changing, there will be no changes to any of these documents. As all of these documents are on file with the Commission, we see no reason to require Utilities, Inc. to file documents in this docket which reflect no changes.

In consideration of the foregoing, Utilities, Inc.'s Petition for Emergency Temporary variance from Rules 25-30.030(4)(c), 5, 6, and 7, and Rules 25-30.037(3)(i), (j), and (k)), Florida Administrative Code, is hereby granted.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the pending merger between Utilities, Inc. and Nuon Acquisition Sub, Inc. is subject to the jurisdiction of this Commission, and Utilities, Inc. shall proceed with its application for transfer of majority ownership control pursuant to 367.071, Florida Statutes, and Commission rules. It is further

ORDERED that Utilities, Inc.'s emergency petition for variance from Rules 25-30.030(4)(c), (5), (6), and (7), Florida Administrative Code, is granted. It is further

ORDERED that Utilities, Inc. shall provide to those persons listed in Rule 25-30.030(5), Florida Administrative Code, a one-page notice by regular mail with ten days of the effective date of this Order. It is further

ORDERED that Utilities, Inc. shall provide by mail to customers of all 15 subsidiary utilities a one-page notice of its application for transfer. This shall be provided no later than ten days following the effective date of this Order. It is further

ORDERED that Utilities, Inc. shall publish a one page notice in a newspaper of general circulation in each of the 15 areas served by its subsidiary companies pursuant to Rule 25-30.030(7), Florida Administrative Code. This notice shall be published within ten days of the effective date of this Order. It is further

ORDERED that Utilities, Inc.'s petition for variance from Rules 25-30.037(3)(i), (j), and (k), Florida Administrative Code is granted. Utilities, Inc. shall not be required to file evidence of land ownership for each of the 15 subsidiaries; tariff sheets for each of the 15 subsidiaries; or certificates of authorization for each of the 15 subsidiaries. It is further

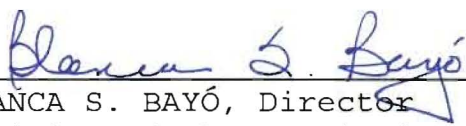
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that the docket shall remain open.

By ORDER of the Florida Public Service Commission this 13th day of August, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

LDH

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.

As identified in the body of this order, our action concerning waiver of Rules 25-30.030(4)(c), (5), (6), (7) and 25-30.037(3)(i), (j), and (k), Florida Administrative Code, is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding,



in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 3, 2001. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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 the Commission Clerk and Administrative Services 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 wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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.