

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a staff-assisted )	DOCKET NO. 900505-WS
rate case in Bay County by SANDY CREEK )	ORDER NO. 24856
UTILITIES, INC. )	ISSUED: 7/26/91
_____ )	

ORDER ESTABLISHING POST-HEARING PROCEDURE

At the July 17, 1991, hearing in the above-captioned case, the undersigned Hearing Officer raised a question regarding the applicability of Rule 25-22.057, Florida Administrative Code, to this proceeding. Upon consideration of the rule, the Hearing Officer has come to the conclusion that using the procedures stated in Rule 25-22.057, Florida Administrative Code, would not enable the Commission to meet the statutory time limit set forth in Section 367.0814, Florida Statutes, for processing this case. As this Commission is mandated by the aforementioned section of the statute to issue a final order within 15 months of the official filing date, there is not enough time for the parties to follow all the steps outlined in the Rule.

Therefore, in consideration of the above, I hereby waive the procedures in Rule 25-22.057, Florida Administrative Code. In lieu thereof, the parties to this proceeding shall be guided by the rules established for post-hearing filings for hearings conducted by the Division of Administrative Hearings, i.e., Rules 28-5.401 through 28-5.404, Florida Administrative Code. These rules require the parties to file proposed recommended orders and the hearing officer to file a proposed order, and allow the parties to file exceptions to the hearing officer's proposed order before the agency considers a recommendation for final action. In order for the Commission to render its final order by the 15-month deadline of October 18, 1991, the Hearing Officer finds that the post-hearing procedural steps utilized by the Division of Administrative Hearings are appropriate for use in this proceeding.

The parties and staff shall therefore follow the filing schedule set forth below.

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|--|--------------------|
| 1. <u>Proposed Recommended Orders</u>      | August 21, 1991    |
| 2. <u>Hearing Officer's Proposed Order</u> | September 4, 1991  |
| 3. <u>Exceptions, if any</u>               | September 18, 1991 |


DOCUMENT NUMBER-DATE

07565 JUL 26 1991

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By ORDER of Commissioner Betty Easley, as Hearing Officer,  
this 26th day of JULY, 1991.

  
Betty Easley, Commissioner and  
Hearing Officer

( S E A L )

MF

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 sewer 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.