



previously filed motion is not stayed. No further explanation is necessary.

Further, JJ's asserts that had it seen the last sentence in the above statement in Order No. PSC-94-1266-PCO-WS, there would have been no need for its Motion for Clarification.

JJ's second point is that the Prehearing Officer did not acknowledge that JJ's, within its Motion for Clarification, intended to seek reconsideration of Order No. PSC-94-1335-CFO-WS, issued October 31, 1994. JJ's states that if the Prehearing Officer granted its Motion For Clarification, the Prehearing Officer would have extended the time for JJ's to file for reconsideration of Order No. PSC-94-1335-CFO-WS. Since, as JJ's states, the Prehearing Officer effectively granted the Motion for Clarification, time should have been allowed for JJ's to file for reconsideration of Order No. 94-PSC-1335-CFO-WS.

OPC filed a response to JJ's Motion for Clarification of Order No. PSC-1564-PCO-WS on January 3, 1995. In its response, OPC states that just because the Prehearing Officer reiterated the obvious and unambiguous directive in Order No. PSC-94-1564-PCO-WS, no matter of fact or law was overlooked by the Prehearing Officer in issuing Order No. PSC-94-1564-PCO-WS. Further, OPC purports that the Prehearing Officer is not required to recite all allegations contained in a motion that was considered in issuing an order. Further, OPC states that, in actuality, JJ's is asking for time to file a motion for reconsideration of Order No. PSC-94-1335-CFO-WS. Therefore, OPC states that the Prehearing Officer did not fail to consider or overlook any matters of fact or law. Further, OPC states that JJ's request for Oral Argument is not in compliance with Rule 25-22.058, Florida Administrative Code, because it was not in a separate document accompanying the Motion for Reconsideration.

#### ORAL ARGUMENT

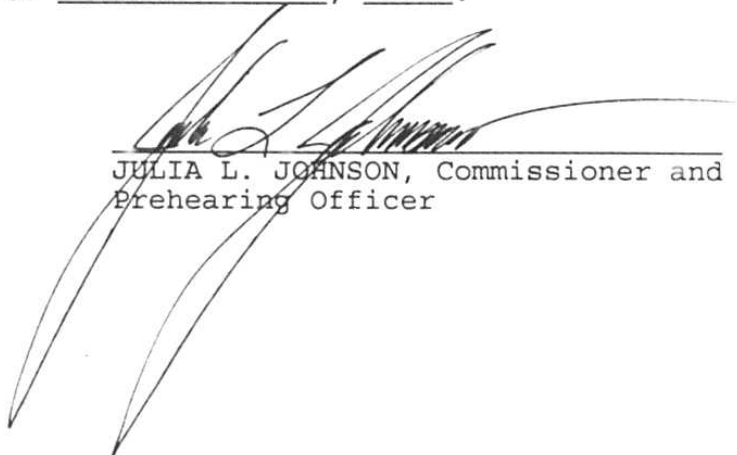
JJ's Motion for Reconsideration does not require oral argument because the Motion contains sufficient argument to render a fair and complete evaluation of the merits without oral argument. Therefore, JJ's request for oral argument is hereby denied.

#### MOTION FOR RECONSIDERATION

The standard for determining whether reconsideration is appropriate is set forth in Diamond Cab Company of Miami v. King, 146 So. 2d 889 (Fla. 1962). In Diamond Cab, the Court held that

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By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th day of March, 1995.



JULIA L. JOHNSON, Commissioner and  
Prehearing Officer

( S E A L )

MSN/MEO

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.