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FLORIDA PUBLIC
SERVICE COMMISSION

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MAIL ROOM

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

SHADY OAKS MOBILE MODULAR
ESTATES, INC.,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

Appellant,

v.

CASE NO. 93-3339

FLORIDA PUBLIC SERVICE
COMMISSION,

Appellee.

Opinion filed May 22, 1995.

An appeal from an order of the Florida Public Service Commission.

Robert A. Antista and John L. Wharton of Rose, Sundstrom & Bentley,
Tallahassee, for Appellant.

Robert D. Vandiver, General Counsel, and David E. Smith, Director
of Appeals, Florida Public Service Commission, Tallahassee, for
Appellee.

ACK
AFA
APP
CAF
CMU
CTR
FTR

ZEHMER, C.J.

The final order of the Public Service Commission imposing a
fine against the appellant utility company is affirmed. See
Florida Real Estate Commission v. Webb, 367 So. 2d 201 (Fla.
1978). Although Appellant argues that the final order fails to

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find specifically that Appellant knowingly refused to comply with, or willfully violated, a provision of chapter 367 or any lawful rule or order of the commission, that issue was never raised in the proceedings before the commission or in Appellant's motion for reconsideration of the final order and therefore cannot be raised for the first time on appeal.

AFFIRMED.

DAVIS, J., and WENTWORTH, Senior Judge, CONCUR.