

ORIGINAL

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

MOTHER'S KITCHEN, LTD., )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 FLORIDA PUBLIC UTILITIES COMPANY, )  
 )  
 Respondent, )  
 )  
 and )  
 )  
 PUBLIC SERVICE COMMISSION, )  
 )  
 Intervenor. )

Case No. 97-4990

970365-GU

ORDER

THIS CAUSE having come before the undersigned Administrative Law Judge on Petitioner's Motion for Summary Final Order, having reviewed Respondent's responses thereto, and being fully apprised in the premises, it is

FOUND AND DETERMINED a Summary Final Order, pursuant to Rule 60Q-2.030, Florida Administrative Code, may only be requested by a party in a proceeding in which this tribunal has final order

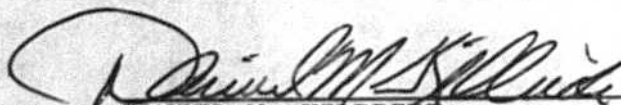
ACK \_\_\_\_\_ authority; in this case, the administrative law judge does not  
AFA \_\_\_\_\_ have final order authority; further, Respondent is not required  
APP \_\_\_\_\_  
CAF \_\_\_\_\_ to file an answer to a petition for a formal hearing; an answer  
CMU \_\_\_\_\_ is not mandatory according to Rules 60Q-2.004(5) and 28-106.203,  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_ Florida Administrative Code (Florida Rules of Civil Procedure  
LEG \_\_\_\_\_ 1.100 cited by Petitioner has not been adopted by the Division);  
LIN \_\_\_\_\_ and Respondent's request for oral argument is denied (Rule 60Q-  
OPC \_\_\_\_\_ 2.016(4), Florida Administrative Code). It is, therefore,  
RCH \_\_\_\_\_  
SEC   1    
WAS \_\_\_\_\_  
TTL \_\_\_\_\_

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ORDERED that Petitioner's Motion for Summary Final Order is DENIED. It is further

ORDERED that Respondent's Request for Attorney's Fees is RESERVED.

DONE AND ORDERED this 10th day of February, 1998, in Tallahassee, Leon County, Florida.



DANIEL M. KILBRIDE  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 10th day of February, 1998.

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