

In re: Application for transfer of)
Certificate Nos 469 W and 358-S)
from Bayside Utilities, Inc. to)
Bayside Utility Services, Inc. in)
Bay County.)

DOCKET NO. 981403-WS
Submitted for Filing:
April 16, 1999

MOTION TO INTERVENE
BY SELLER,
BAYSIDE UTILITIES, INC.

COMES NOW, Bayside Utilities, Inc., seller in the above styled transfer, and in support of its Motion to Intervene states that.

1. Simultaneously with the filing of this Motion to Intervene, Bayside Utilities, Inc., the seller, is filing a Motion for Reconsideration of Order No. FSC-99-0607-PCC-WS Denying Motion to Dismiss the Objection and Protest which had been filed on behalf of Utilities, Inc. and Bayside Utility Services, Inc., buyer in the above styled transfer. The Order was issued on April 2, 1999.

2. To assure that there is no question that Bayside Utilities, Inc. is a party to this proceeding, entitled to file the Motion for Reconsideration, seller hereby files this Motion to Intervene. Because of recent changes in the Administrative Procedure Act (Ch. 120, F.S.) and the uniform rules that were adopted pursuant to that amendment, it is unclear, which rule governs intervention.

3. Bayside Utilities, Inc., was named as the seller in the application filed on or about October 26, 1998. As such, the seller is substantially affected by Order No. FSC-99-0607-PCC-WS in that it will be prevented from completing the transfer until well

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Done 5/17/99

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after the hearings which have been now been delayed until February 2-3, 2000, causing a delay of between 10 and 15 months in entering a final order approving the transfer. This is an unconscionable delay. The seller should not be compelled to continue operating the utility system long after deciding to sell it, with the resulting costs, risks and responsibilities. Seller is also unreasonably deprived of the proceeds of the sale, and must incur unnecessary attorney fees and costs in dealing with this decision which was based upon faulty information provided to the Commission by the four dissenting customers.

WHEREFORE, Bayside Utilities, Inc. requests that the public Service Commission clarify its status in this proceeding, and if necessary, grant this Motion to Intervene so that its Motion for Reconsideration can be ruled upon by the Commission.

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BENNETT, LOGUE & BENNETT, CHARTERED

BY:


Julian Bennett, Esq.
FL BAR #0005222

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been sent to Ben E. Girtman, Esq., Attorney for Buyer, at 1020 E. Lafayette St., Suite 207, Tallahassee, FL 32301; Mr. Traver A. Kitchens, Bayside Homeowners Ass'n., 1046 Bay Circle, Panama City Beach, FL 32407; Steve Burgess, Esq., Office of Public Counsel, 111 W. Madison St., Tallahassee, FL 32399-1400 and to Samantha McRae,

Esq., Division of Legal Services, Florida Public Service
Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, by
U.S. Mail this 16th day of April, 1999.



Julian Bennett, Esq.