

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request for )  
hearing by Linda J. McKenna and 54 )  
petitioners regarding unfair rates )  
and charges by SHANGRI-LA BY-THE-LAKE )  
UTILITIES, INC. in Lake County, FL. )

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REQUEST FOR ORAL ARGUMENT

SHANGRI-LA BY THE LAKE UTILITIES, INC. ("Company"), by and through its undersigned attorneys and pursuant to Rule 25-22.058, Florida Administrative Code, hereby requests oral argument on its Motion for Reconsideration by Entire Commission filed contemporaneously with this request, and in support thereof states:

1. In Order No. PSC-00-1549-PCO-WS, Prehearing Officer Jacobs entered an order interpreting Section 120.80(13), Florida Statutes, prohibiting any issues from being raised that are not raised in a protest of a PAA Order, except for those which the Staff may want to raise. A limited number of PSC cases have addressed this statutory provision and it has not yet been addressed by the Appellate Courts. Thus, this provision is still open for interpretation. In light of the sparsity of case law and the significant implications to all regulated industries, oral argument would be valuable to the Commission. There are also public policy issues which are better addressed in the type of open debate which comes in oral argument.

2. Oral argument was requested by Public Counsel on this issue which request was denied in the Order. This is exactly the

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type of case where oral argument should be heard. The only reason to deny oral argument is that the Staff's position as articulated in the Order is indefensible and cannot withstand the scrutiny which comes with oral argument. As pointed out in the Motion for Reconsideration, the single case cited in the Order does not support the conclusions in the Order.

WHEREFORE, Shangri-La by the Lake Utilities, Inc. requests oral argument on its Motion for Reconsideration by the Entire Commission.

Respectfully submitted this 1st  
day of September, 2000, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
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(850) 877 - 6555

  
MARTIN S. FRIEDMAN  
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Oral Argument has been forwarded by U.S. Mail to Tyler VanLeuven, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, Linda J. McKenna, 134 Shanghai Island Road, Leesburg, Florida 34788 and Steve Burgess, Esquire, Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400 on this 1st day of September, 2000.

  
MARTIN S. FRIEDMAN