

STATE OF FLORIDA

Commissioners:  
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BRAULIO L. BAEZ



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

**Public Service Commission**

September 7, 2000

Mr. Leon J. Beekman, President  
Pine Lakes Estates Homeowners Association  
19799 Frenchman's Court  
North Ft. Myers, Florida 33903

Re: Docket No. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

Dear Mr. Beekman:

I am writing in response to your e-mail dated September 1, 2000, concerning the Pine Lakes Estates Homeowners Association's (Pine Lakes) rights. As you are aware, Pine Lake's objection to the Application for Transfer was dismissed on August 29, 2000, by the Commission at its Agenda Conference as being untimely by 46 days. However, the Commission ruled that this matter will proceed to hearing based upon the protest of Mr. Alexander William Varga. Therefore, Pine Lakes may petition the Commission for leave to intervene as a party pursuant to Rule 25-22.039, Florida Administrative Code.

An Order will be issued on or before September 18, 2000, reflecting the Commission's decision from the August 29, 2000, Agenda Conference. A copy of the Order will be mailed to you via U.S. Mail. In addition, the Commission's Order can be obtained from the Commission's website once filed.

We are concerned that you did not receive the mailed copy of the recommendation until September 1, 2000. I assure you that we will investigate this atypical occurrence in order to take whatever actions we can to prevent it from happening again.

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC   T
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

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DOCUMENT NUMBER - DATE

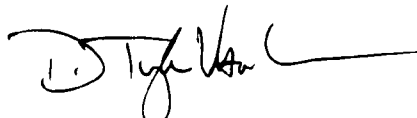
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FPSC-RECORDS/REPORTING

Mr. Leon J. Beekman, President  
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Should you have any questions, I can be reached at (850) 413-6185.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Tyler Van Leuven", with a long horizontal flourish extending to the right.

D. Tyler Van Leuven  
Staff Attorney

DTV/dm

Enclosure

cc: Division of Regulatory Oversight (Messer, Johnson, Redemann)  
Division of Records and Reporting  
Martin S. Friedman, Esquire  
Kathryn G.W. Cowdery, Esquire  
Mr. Alexander William Varga

J:\000277BR.DTV

**25-22.0375 Pleadings.**

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History--New 12/21/81, Formerly 25-22.375, Repealed 05/03/99.

**25-22.0376 Reconsideration of Non-Final Orders.**

(1) Any party who is adversely affected by a non-final order may seek reconsideration by the Commission panel assigned to the proceeding by filing a motion in support thereof within 10 days after issuance of the order. The Commission shall not entertain a motion for reconsideration of an order disposing of a motion for reconsideration.

(2) A party may file a response to a motion for reconsideration within 7 days after service of the motion for reconsideration.

(3) Failure to timely file a motion for reconsideration or a response shall constitute a waiver of the right to do so.

(4) Any motion or response filed pursuant to this rule shall contain a concise statement of the grounds therefor and the signature of counsel or other person filing the motion.

(5) Oral argument on any motion filed pursuant to this rule may be granted at the discretion of the Commission. A party who fails to file a written response to a point on reconsideration shall be precluded from responding to that point during oral argument.

Specific Authority: 350.01(7), 350.127(2), F.S.

Law Implemented: 120.569, 120.57, F.S.

History: New 9/3/95, Amended 7/11/96.

**25-22.038 Prehearing Officer; Prehearing Statement; Prehearing Conferences; and Prehearing Order.**

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-2.68 and Amended 12/21/81, formerly 25-22.38, Amended 09/03/95, Repealed 05/03/99.

**25-22.039 Intervention.** Persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may petition the presiding officer for leave to intervene. Petition for leave to intervene must be filed at leave five (5) days before the final hearing, must conform with Commission Rule 25-22.036(7)(a), and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

Specific Authority: 350.01(7), 350.127(2), F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-2.34 and Amended 12/21/81, formerly 25-22.39.

**25-22.040 Notice of Hearings.**

Specific Authority: 120.53, F.S.

Law Implemented: 120.569, 120.57, F.S.

History: New 12/21/81, formerly 25-22.40, Repealed 7/11/96.

**25-22.0405 Notices of Hearing.**

(1) The Commission will require public utility in a proceeding to publish additional notices of hearing in newspapers of general circulation in the area