

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority)
to Transfer the Facilities of)
MHC SYSTEMS, INC. and) Docket No. 000277-WS
Certificate Nos. 353-W and 309-S)
in Lee County, Florida to)
NORTH FORT MYERS UTILITY, INC.)
_____)

NORTH FORT MYERS UTILITY, INC.'S
MOTION FOR RECONSIDERATION

NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys and pursuant to Rule 25-22.060, Florida Administrative Code, hereby moves the Prehearing Officer for reconsideration of Order No. PSC-00-2349-PCO-WS ("Order") issued on December 7, 2000, and in support thereof states:

1. The Order granted intervention to the Pine Lakes Homeowners Association II, Inc. ("PLHOA") and the Pine Lakes Estates Homeowners Association ("PLEHOA").

2. NFMU acknowledged that the two homeowners associations probably had standing to intervene in this proceeding and requested that if they are allowed to intervene that they comply with the procedural requirements in stating the facts upon which they were basing their objections to the transfer.

3. The Order which acknowledges that Rule 28-106.201, Florida Administrative Code, governed requests for intervention, nonetheless overlooked NFMU's request that the homeowners associations be ordered to comply with those rules as a prerequisite to intervention. Neither party has set forth any

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ultimate facts which would support their objection to the transfer as required by Rule 28-106.201(2)(e), Florida Administrative Code. Persons should not be able to intervene without any factual basis which would support its objection and then be allowed to go on a fishing expedition in an attempt to find a factual basis for an objection.

4. Rule 28-106.201(4), Florida Administrative Code, provides that a petition that does not comply with Rule 28-106.201(2), Florida Administrative Code, may be dismissed the first time without prejudice to allow the petitioner to refile a petition that complies with the Rule.

WHEREFORE, NFMU requests the Prehearing Officer reconsider the Order and require the homeowners associations to comply with Rule 28-106.201(2), Florida Administrative Code, especially the requirement to state the facts which form the basis of its objection.

Respectfully submitted on this
13th day of December, 2000, by:

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By: 
MARTIN S. FRIEDMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Reconsideration forwarded via U.S. Mail this 13th day of December, 2000 to:

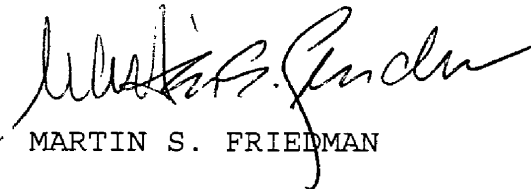
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