

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cost recovery and  
allocation issues for number  
pooling trials in Florida.

DOCKET NO. 001503-TP  
ORDER NO. PSC-01-1745-PCO-TP  
ISSUED: August 27, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER ON MOTION FOR RECONSIDERATION  
OF RE-ISSUED ORDER NO. PSC-01-0833-PCO-TP

BY THE COMMISSION:

On September 29, 2000, this docket was established to address  
cost recovery and allocation issues for the number pooling trials  
in Florida. On December 12, 2000, our staff held a workshop in  
this docket.

On February 16, 2001, Ms. Peggy Arvanitas filed a Petition for  
Leave to Intervene in the above-referenced docket. By Order No.  
PSC-01-0883-PCO-TP, issued April 6, 2001, Ms. Arvanitas' petition  
was denied. However, due to a clerical error, Ms. Arvanitas was  
inadvertently omitted from the mailing list. Thus, Re-Issued Order  
No. PSC-01-0833-PCO-TP<sup>1</sup> was issued on April 18, 2001. On April 30,  
2001, Ms. Arvanitas filed a Motion for Reconsideration of Re-issued  
Order No. PSC-01-0833-PCO-TP. Ms. Arvanitas timely filed her  
Motion in accordance with Rule 25-22.060, Florida Administrative  
Code.

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<sup>1</sup>The scrivener's error in the order issuance number is  
addressed in a separate Amendatory Order.

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We are vested with jurisdiction pursuant to Sections 364.01 and 364.16, Florida Statutes.

MOTION FOR RECONSIDERATION

As noted above, on April 30, 2001, Ms. Peggy Arvanitas, filed a Motion for Reconsideration of Re-issued Order No. PSC-01-0833-PCO-TP, issued April 18, 2001. In support of her motion, Ms. Arvanitas realleges that her substantial interests will be affected by any cost recovery or allocation issues in the number pooling trials in Florida, specifically in area codes 727 and 813 where she lives and works. Ms. Arvanitas realleges that because the cost recovery docket impacts her work, she is suffering sufficient injury which is of sufficient immediacy to entitle her to a Section 120.57, Florida Statute, hearing.

By Order No. PSC-01-0883-PCO-TP, Ms. Arvanitas' allegations were found to be insufficient to support standing in this docket. Therefore, Ms. Arvanitas' Petition to Intervene in these proceedings was denied.

Rule 25-22.060(1)(a), Florida Administrative Code, governs Motions for Reconsideration and states, in pertinent part: "Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order." (emphasis supplied) Although, Ms. Arvanitas is not a party of record in this docket, she is requesting reconsideration of her motion to intervene.

The standard of review for a Motion for Reconsideration is whether the motion identifies a point of fact or law which was overlooked or which the Prehearing Officer failed to consider in rendering the Order denying Ms. Arvanitas' intervention. See Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315 (Fla. 1974); Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962); and Pingree v. Quaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered. Sherwood v. State, 111 So. 2d 96 (Fla. 3d DCA 1959); citing State ex. rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be

ORDER NO. PSC-01-1745-PCO-TP  
DOCKET NO. 001503-TP  
PAGE 3

based upon specific factual matters set forth in the record and susceptible to review." Stewart Bonded Warehouse, Inc., at 317.

We find that Ms. Arvanitas' Motion fails to identify a point of fact or law which was overlooked or which the Prehearing Officer failed to considered in rendering that Order. Moreover, Ms. Arvanitas' comments generally constitute reargument of matters that have already been considered and disposed of in the Order.

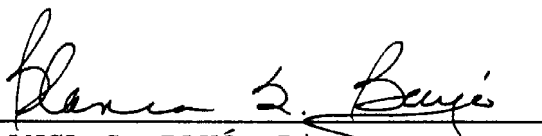
Based on the foregoing, we hereby deny Ms. Peggy Arvanitas' Motion for Reconsideration of Re-issued Order No. PSC-01-0833-PCO-TP.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ms. Peggy Arvanitas' Motion for Reconsideration of Re-issued Order No. PSC-01-0833-PCO-TP is hereby denied. It is further

ORDERED THAT this docket shall remain open pending resolution of the cost recovery and allocation issues for the number pooling trials in Florida.

By ORDER of the Florida Public Service Commission this 27th day of August, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Admininstrative Services

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.