

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Complaint by Bayside Mobile Home Park )  
against Bayside Utility Services, Inc. regarding )  
water and sewer service in an area within a )  
territory assigned by the Commission )

DOCKET NO. 010726-WS  
ORDER NO. PSC-01-2095-PAA-WS

DATE: NOVEMBER 10, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES

FROM: BAYSIDE PARTNERSHIP d/b/a BAYSIDE MOBILE HOME PARK

PETITION FILING A FORMAL PROTEST TO THE PROPOSED AGENCY ACTION  
BY A SUBSTANTIALLY AFFECTED PARTY

For the purposes of this petition, the following definitions will apply. Bayside Mobile Home Park shall be BSMP, Bayside Utility Services, Inc. shall be BUSI, The Florida Public Service Commission Staff shall be PSC, and the Florida Public Service Commissioners shall be The Commissioners.

THEREBY, BSMP hereby pleads with the Commissioners to grant to BMHP , which ever of the following is allowed by Law.

- 1) Mediation; Either binding or non binding but preferably binding.
- 2) Arbitration, binding on all parties including the PSC and The Commissioners.
- 3) Administrative Hearing, binding on all parties including the PSC and The Commissioners.

THE FPSC AND THE COMMISSIONERS has varied from Florida Law so dramatically in their proposed action that it without doubt calls for a further action and review by another Florida Tribunal, other that the Commission or the Commissioners. Rule 25-30.520, Florida Administrative Code, was completely ignored by the PSC and The Commissioners and as a fact should be the prevailing rule.

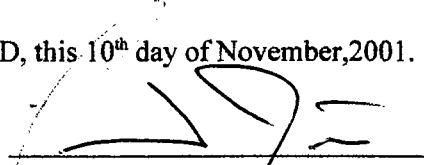
APP \_\_\_\_\_ The PSC has indicated on several occasions and even in the Order say that the remedy for BMHP  
CAF \_\_\_\_\_ is to file an action in the Circuit Courts of Bay County, but in all other instances the Commission and  
CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_ The Commissioners are quick to indicate to anyone that They are the prevailing Tribunal, charged with  
CTR \_\_\_\_\_ the responsibility and authority to Regulate BUSI and BMHP in this matter.  
ECR \_\_\_\_\_  
LEG \_\_\_\_\_ The PSC and The Commissioners have hot been asked in this action or any action to determine  
OPC \_\_\_\_\_ the amount of the Service Availability Charge, yet they continue to quote rule 25-30.580 as the basis for  
PAI \_\_\_\_\_ the action sent forward for The Commissioners to vote on. This rule is the Guidelines for Designing  
RGO \_\_\_\_\_  
SEC I \_\_\_\_\_  
SER \_\_\_\_\_  
OTH Howe \_\_\_\_\_

Service Availability Policy. BMHP states in the strongest of terms that the Service Availability Charges are not an issue in this action. The Service Availability Charges were determined years ago, recommended by the PSC and voted on and Approved by The Commissioners. They are set and rule 25-30.520 states clearly that "It is the responsibility of the utility to provide service within its certificated territory....."

BMHP has only asked that since The Commissioners claim to have jurisdiction in this matter that they as the Tribunal with the responsibility to enforce the laws concerning this matter, **DO SO.**

**WHEREFORE,** Bayside Mobile Home Park respectfully request the Commission and The Commissioners consider the above and grant the request of BMHP to make certain that Florida Law is applied in a the manner that it was intended.

RESPECTFULLY SUBMITTED, this 10<sup>th</sup> day of November,2001.

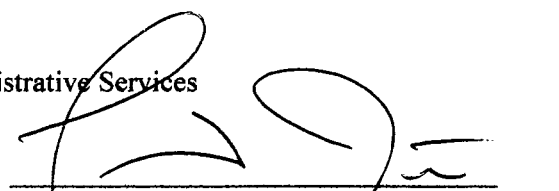


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Leonard S. Jeter  
Bayside Mobile Home Park  
6325 Big Daddy Drive  
Panama City Beach, Florida 32407  
(850) 234-6668

**I HEREBY CERTIFY** that a copy of the foregoing has been sent to the following by Telefax and U.S. Mail this 10<sup>th</sup> day of November, 2001.

Florida Public Service Commission  
Director, Division of the Commission Clerk and Administrative Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850



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Leonard S. Jeter, Bayside Mobile Home Park

Also Telefaxed to Ralph Jaeger, Esq. and Ben E. Girtman, Attorney