

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for rate increase in Bay
County by Bayside Utility Services, Inc.

DOCKET NO. 030444-WS
ORDER NO. PSC-04-0729-PCO-WS
ISSUED: July 28, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

On February 17, 2004, Bayside Utility Services, Inc. (Bayside or utility) completed its filing for a rate increase and requested that the Commission process the case pursuant to the proposed agency action procedures. On July 27, 2004, Bay County (County) filed its Petition to Intervene in Rate Case Proceedings and Objection to Rate Base and Proposed Rates (Petition), and specifically argued that a negative acquisition was appropriate. In its verbal response to the Petition, the utility acknowledges the County's right to intervene, but believes that any issue concerning a negative acquisition adjustment has already been determined and is no longer an appropriate issue for discussion.

As regards the petition to intervene, pursuant to Section 367.091(2), Florida Statutes, the governing body of a county may petition to intervene, and "the commission shall grant intervenor status to any governing body that files a petition." Therefore, the County shall be granted intervenor status. Furthermore, pursuant to Rule 25-22.039, Florida Administrative Code, the County, as intervenor, takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition of Bay County to intervene in this proceeding is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed to William C. Henry, Esq., Burke, Blue & Hutchison, P.A., Post Office Box 70, 221 McKenzie Avenue, Panama City, Florida 32402, counsel for Bay County, Florida.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 28th day of July, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

RRJ

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.