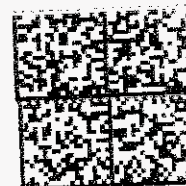


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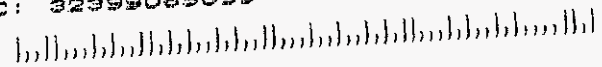
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-M-E-M-O-R-A-N-D-U-M-

DATE: March 4, 2010

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Cowdery) *W.S.M.C.*
Division of Economic Regulation (Maurey, Springer, Salnova, Hewitt) *MS NS ALM*

RE: Docket No. 100062-OT – Initiation of rulemaking to amend Rule 25-22.061, F.A.C., Stay Pending Judicial Review.

AGENDA: 03/16/10 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Skop

RULE STATUS: Proposal may be deferred

SPECIAL INSTRUCTIONS: None

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Case Background

This docket concerns Commission Rule 25-22.061, Florida Administrative Code (F.A.C.), Stay Pending Judicial Review, which addresses the Commission's granting of stays of its orders, including provisions concerning automatic stays. This rule implements the Florida Administrative Procedure Act Section 120.68, F.S., Judicial Review, subsection (3), that provides, in part, that the filing of a petition with the court does not itself stay enforcement of the agency decision, and that the agency may grant a stay upon appropriate terms. Rule 25-22.061 applies when a party files an appeal of a Commission order and requests that the Commission stay the effect of that order pending judicial review. The rule currently includes provisions addressing automatic stays to certain public entities which appeal Commission orders.

100062-OT
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-M-E-M-O-R-A-N-D-U-M-

TO: Parties and Interested Persons
FROM: *Ann Cole* Commission Clerk, Office of Commission Clerk
RE: *Ann Cole* Office of Filing of Staff Recommendation

Notice is being given that a staff recommendation has been filed with the Office of Commission Clerk for the upcoming Commission Conference Agenda. See attached page one for filing date, docket number, and document number information.

Complete staff recommendations for items on the agenda are available from the Commission's Web site <http://www.floridapsc.com> by selecting the **Agendas & Hearings** tab and then selecting **Commission Conference Agendas**. Vote sheets, transcripts, and minutes are also viewable once they become available. Records of Commission actions can also be viewed by selecting **Dockets & Filings, Dockets** and the docket number or document number.

I hope you find this information helpful. If you have any questions concerning this information, please feel free to contact the Office of Commission Clerk at (850) 413-6770.