

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for continuation of )  
 gross-up of contributions-in-aid-of- )  
 construction (CIAC) in Lee County by )  
 GULF UTILITY COMPANY )

DOCKET NO. 910110-WS

ORDER NO. 24808

ISSUED: 7/12/91

ORDER GRANTING PETITION TO INTERVENE

Southwest Florida Capital Corporation (SFCC) filed its Petition for Leave to Intervene in the above-styled proceeding on June 14, 1991. In support of its Petition, SFCC states that it is a substantially affected party because, as a developer within Gulf Utility's service territory, SFCC has paid CIAC tax gross-ups to the utility. This docket concerns the continued collection and disposition of CIAC tax gross-ups collected by the utility. No response in opposition to the Petition to Intervene has been filed.

Having reviewed the Petition, it appears SFCC's substantial interests may be affected by this proceeding. Therefore, the Petition will be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, SFCC takes the case as it finds it.

It is therefore

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the Petition to Intervene filed by Southwest Florida Capital Corporation 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 in this proceeding to the attorney for Southwest Florida Capital Corporation, Patrick K. Wiggins, Wiggins & Villacorta, P.A., Post Office Drawer 1657, Tallahassee, Florida 32302.

BY ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 12th day of JULY, 1991.

  
 THOMAS M. BEARD, Chairman  
 and Prehearing Officer

(S E A L)

TMB/MJL

DOCUMENT NUMBER-DATE

07014 JUL 12 1991

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, 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.