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A two prong test for standing was established in Agrico Chemical Co. v. Dept. of Environmental Regulation, 406 So.2d 478, 482 (Fla. 2nd DCA 1981), rev. denied 415 So.2d 1359 (Fla. 1982). Under Agrico, a party must show (1) that he will suffer injury in fact which is of sufficient immediacy to entitle him to a section 120.57 hearing, and (2) that his substantial injury is of a type or nature which the proceeding is designed to protect.

Harbor Branch has not alleged injury in fact, immediacy, or injury of a nature this proceeding is designed to protect. Although intervention shall not be granted, Harbor Branch may present oral or written communications in this proceeding pursuant to Section 366.04(4), Florida Statutes.

It is, therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Motion to Intervene filed by Harbor Branch Oceanographic Institution, Inc., on June 27, 1994, is hereby denied. It is further

ORDERED that Harbor Branch Oceanographic Institution, Inc. may present oral or written communications in this proceeding pursuant to Sections 366.04(4), Florida Statutes.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 25th day of July, 1994.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

MAP

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

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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 wastewater 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.