Have from Harry from Mary

ACK _____ AFA _____

APP

CAF _____ CMU _____

CTR _____

LEG

LIN ____ OPC _____

SEC ____

TH Cy to Ka

RCH _

WAS ___

RECEIVE

99 JAN 11 AH 11: 46

CIVISION OF APPEALS

DISTRICT COURT OF APPEAL, FIRST, DISTRICT

Tallahassee, Fl. 32399

Telephone (850) 488-6151

January 8, 1999 DATE

CASE NO. 98-4164

United Water Florida Inc. v. Florida Public Service Commission appellant/petitioner appellee/respondent

BY ORDER OF THE COURT:

Appellant seeks review of the Commission's order dated September 21, 1998, which purports to be become final with the passage of time, in the absence of a petition for formal administrative proceeding, on October 13, 1998. The court issued a show cause order on the question of the timeliness of the filing of the notice of appeal and has considered appellant's response thereto.

It appears to the court that the procedure employed by the Commission in this cause impermissibly combines a notice of proposed agency action and a final order. A final order must be EAG ____ rendered by filing with the agency clerk on the effective date of that order. See s. 120.52(7), Fla. Stat. (1997); Fla. R. App. P. 9.020(h) and 9.110(c). Accordingly, the Commission shall show DOCUMENT NUMBER-DATE

00390 JANII 8

FPSC-RECORDS/REPORTING

Case number 98-4164 Order of January: 8 , 1999 Page 2

cause within 15 days of date of this order why jurisdiction should not be relinquished with directions to enter a final order.

I HEREBY CERTIFY that the foregoing is (a true copy of) the

original court order.

Jon S. Tikala

Jon S. Wheeler, Clerk

Deputy Clerk

Copies:

James L. Ade Harold McLean Rosanne G. Gervasi Scott Schildberg Carroll Webb Mary Anne Helton