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DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
TALLAHASSEE, FLORIDA 32399-1850

JON S. WHEELER
CLERK OF THE COURT

(904) 488-6151

June 7, 1995

Honorable Blanca Bayo
Clerk, Public Service Commission
Fletcher Bldg.
101 E. Gaines St.
Tallahassee, Florida 32399

RE: SHADY OAKS MOBILE MODULAR ESTATES, INC. vs.
FLORIDA PUBLIC SERVICE COMMISSION
Docket No. 93-3339
Case No. 900025-WS

Dear Ms. Bayo:

I have been directed by the Court to issue mandate in the above style cause which is enclosed herewith together with a certified copy of this Court's opinion.

Yours truly,

Jon S. Wheeler

JSW:twg
enclosure

xc: (letter and mandate only)
John L. Wharton, Esquire
F. Marshall Deterding, Esquire
Lila Jaber, Esquire
David E. Smith, Esquire
Robert A. Antista, Esquire

DOCUMENT NUMBER-DATE
05351 JUN-8 1995
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M A N D A T E

From

DISTRICT COURT OF APPEAL OF FLORIDA
FIRST DISTRICT

To the Honorable, ~~Judge XXXX~~ Steve Tribble, Director
Division of Records and Reporting, Florida Public Service Commission
WHEREAS, in that certain cause filed in this Court styled: _____

In Re: Application for Staff-
Assisted Rate Case in Pasco
County by SHADY OAKS MOBILE-
MODULAR ESTATES, INC.

Case No. 93-3339

Your Case No. 900025-WS

The attached opinion was rendered on May 22, 1995,

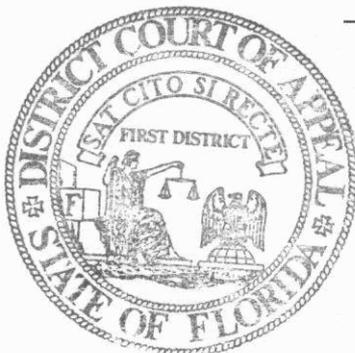
YOU ARE HEREBY COMMANDED that further proceedings be had in accordance with said opinion,
the rules of this Court and the laws of the State of Florida.

WITNESS the Honorable E. Earle Zehmer

Chief Judge of the District Court of Appeal of Florida, First District and the Seal of said

court at Tallahassee, the Capitol, on this

7th day of June, 1995.



Karen Roberts
Clerk, District Court of Appeal of Florida,
Deputy First District

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

SHADY OAKS MOBILE MODULAR
ESTATES, INC.,

Appellant,

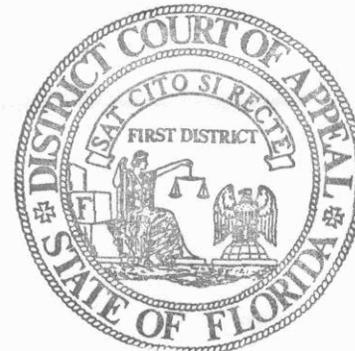
NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 93-3339

FLORIDA PUBLIC SERVICE
COMMISSION,

Appellee.



Opinion filed May 22, 1995.

An appeal from an order of the Florida Public Service Commission.

Robert A. Antista and John L. Wharton of Rose, Sundstrom & Bentley,
Tallahassee, for Appellant.

Robert D. Vandiver, General Counsel, and David E. Smith, Director
of Appeals, Florida Public Service Commission, Tallahassee, for
Appellee.

I CERTIFY THE ABOVE
TO BE A TRUE COPY
Karen Roberts
CLERK DISTRICT COURT OF
APPEAL, FIRST DISTRICT

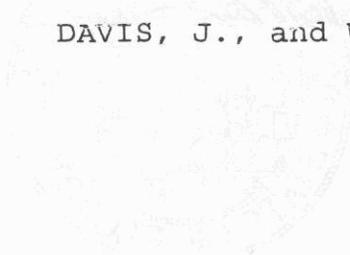
ZEHMER, C.J.

The final order of the Public Service Commission imposing a
fine against the appellant utility company is affirmed. See
Florida Real Estate Commission v. Webb, 367 So. 2d 201 (Fla.
1978). Although Appellant argues that the final order fails to

find specifically that Appellant knowingly refused to comply with, or willfully violated, a provision of chapter 367 or any lawful rule or order of the commission, that issue was never raised in the proceedings before the commission or in Appellant's motion for reconsideration of the final order and therefore cannot be raised for the first time on appeal.

AFFIRMED.

DAVIS, J., and WENTWORTH, Senior Judge, CONCUR.



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