

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 911030-WS
increase in Brevard County by)
GENERAL DEVELOPMENT UTILITIES,)
INC. (Port Malabar Division))
_____)

In re: Application for a rate) DOCKET NO. 911067-WS
increase by GENERAL DEVELOPMENT) ORDER NO. PSC-92-0387-PCO-WS
UTILITIES, INC. in Charlotte,) ISSUED: 5/22/92
DeSoto and Sarasota Counties)
_____)

ORDER DENYING OFFICE OF PUBLIC COUNSEL'S
MOTION FOR RECONSIDERATION

On May 12, 1992, the Office of Public Counsel (OPC) filed a Motion for Reconsideration of Order No. PSC-92-0258-PCO-WS, issued April 27, 1992. By Order No. PSC-92-0258-PCO-WS, OPC's Motion to Postpone Hearing was denied. The Notice of Further Proceedings provided parties ten days to respond, pursuant to Rule 25-22.038, Florida Administrative Code.

OPC's Motion for Reconsideration must be denied for two reasons. First, OPC's Motion for Reconsideration was not timely filed as the ten-day requirement ended on May 7, 1992. However, an argument could be made that OPC had 15 days to respond to Order No. PSC-92-0258-PCO-WS, pursuant to Rule 25-22.060, Florida Administrative Code. Even if that were the controlling rule in this instance, the Motion for Reconsideration is moot, because, by Order No. PSC-92-0355-PCO-WS, issued May 13, 1992, North Port and Palm Bay's motion to change the date of the hearing was granted.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Office of Public Counsel's Motion for Reconsideration is hereby denied.

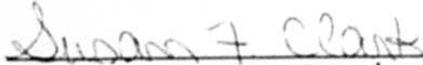
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ORDER NO PSC-92-0387-PCO-WS
DOCKETS NOS. 911030-WS & 911067-WS
PAGE 2

By Order of Commissioner Susan F. Clark, as Prehearing
Officer, this 22nd day of May, 1992.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

SFC/LAJ/CB/KAC

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 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.