

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for an acquisition adjustment for a non-viable utility, by CSWR-Florida Utility Operating Company, LLC.	DOCKET NO. 20250038-WS
In re: Petition for an acquisition adjustment for a non-viable utility, by CSWR-Florida Utility Operating Company, LLC.	DOCKET NO. 20250043-WS
In re: Petition for an acquisition adjustment for a non-viable utility, by CSWR-Florida Utility Operating Company, LLC.	DOCKET NO. 20250047-WS
In re: Application for increase in water and wastewater rates in Brevard, Citrus, Duval, Highlands, Marion, and Volusia Counties by CSWR-Florida Utility Operating Company.	DOCKET NO. 20250052-WS ORDER NO. PSC-2025-0250-PCO-WS ISSUED: June 25, 2025

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman  
ART GRAHAM  
GARY F. CLARK  
ANDREW GILES FAY  
GABRIELLA PASSIDOMO SMITH

ORDER DENYING OPC'S MOTION TO DISMISS WITH PREJUDICE,  
ALTERNATIVE MOTION FOR SUMMARY FINAL ORDER, AND  
MOTION TO HOLD DOCKET NO. 20250052-WS IN ABEYANCE

BY THE COMMISSION:

Background

Pursuant to Rule 25-30.0371, Florida Administrative Code (F.A.C.), a positive acquisition adjustment may occur when the purchase price of a utility is greater than the net book value of the acquired utility's assets. If approved, a positive acquisition adjustment increases rate base. Rule 25-30.0371, F.A.C., was amended on June 17, 2024. The previous version of the rule required a showing of extraordinary circumstances to be entitled to a positive acquisition adjustment, and utilities requested the acquisition adjustment at the time of transfer. By contrast, the amended version of the rule provides a list of factors that we shall consider in determining whether a positive acquisition adjustment is warranted. The amended version of the rule also allows utilities to seek approval of the acquisition adjustment at either the time of transfer or at

anytime within 3 years of our order approving the transfer of the certificate of authorization. While the prior version of Rule 25-30.0371, F.A.C., was still effective, Central States Water Resources-Florida Utility Operating Company, LLC (CSWR or Utility) requested and was denied positive acquisition adjustments for the North Peninsula Utilities Corporation wastewater system (North Peninsula), the Aquarina Utilities, Inc. water and wastewater systems (Aquarina), and the Sunshine Utilities of Central Florida, Inc. water systems (Sunshine).<sup>1</sup>

Between March 6, 2025 and March 18, 2025, CSWR filed three petitions requesting positive acquisition adjustments relating to its 2022 acquisitions of North Peninsula, Aquarina, and Sunshine under the amended version of Rule 25-30.0371, F.A.C. These requests were assigned Docket Nos. 20250038-WS, 20250043-WS, and 20250047-WS, respectively. None of the three petitions referenced our previous denial of CSWR's request for positive acquisition adjustments at the time of the 2022 transfers, but instead listed information required under the amended rule, such as planned infrastructure additions and maintenance needed to improve the utilities' quality of service or compliance with environmental regulations.

On March 20, 2025, CSWR filed a letter requesting approval of a test year for a rate increase and rate consolidation and Docket No. 20250052-WS was opened. Per the letter approving CSWR's test year, the Utility was expected to file its minimum filing requirements (MFRs) no later than May 23, 2025;<sup>2</sup> however, on May 19, 2025, CSWR filed a letter requesting a two-week extension to file its MFRs no later than June 6, 2025.<sup>3</sup>

On April 17, 2025, the Office of Public Counsel (OPC) filed a Motion to Dismiss with Prejudice or Alternative Motion for Summary Final Order and to Hold Docket No. 20250052-WS in Abeyance (Motion). In its Motion to Dismiss, OPC argues that the doctrine of administrative finality precludes CSWR from obtaining a positive acquisition adjustment on each

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<sup>1</sup> Order No. PSC-2022-0116-PAA-SU, issued March 17, 2022, in Docket No. 20210133-SU, *In re: Application for transfer of facilities of North Peninsula Utilities Corporation and wastewater Certificate No. 249-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County* (denying positive acquisition adjustment for North Peninsula); Order No. PSC-2022-0137-CO-SU, issued April 11, 2022, in Docket No. 20210133-SU, *In re: Application for transfer of facilities of North Peninsula Utilities Corporation and wastewater Certificate No. 249-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County* (making Order No. PSC-2022-0116-PAA-SU final and effective); Order No. PSC-2022-0115-PAA-WS, issued March 15, 2022, in Docket No. 20210093-WS, *In re: Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County* (denying positive acquisition adjustment for Aquarina); Order No. PSC-2022-0133-CO-WS, issued April 8, 2022, in Docket No. 20210093-WS, *In re: Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County* (making Order No. PSC-2022-0115-PAA-WS final and effective); Order No. PSC-2022-0120-PAA-WU, issued March 18, 2022, in Docket No. 20210095-WU, *In re: Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC, in Marion County* (denying positive acquisition adjustment for Sunshine); Order No. PSC-2022-0136-CO-WU, issued April 11, 2022, in Docket No. 20210095-WU, *In re: Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC, in Marion County* (making Order No. PSC-2022-0120-PAA-WU final and effective).

<sup>2</sup> Document No. 02687-2025.

<sup>3</sup> Document No. 03694-2025.

of its utilities that were previously denied a positive acquisition adjustment by us at the time of transfer. In its Alternative Motion for Summary Final Order, OPC contends that there is no issue as to any material fact and that we should therefore enter a final judgment denying the acquisition adjustments. In its Motion for Abeyance, OPC requests that we hold CSWR's pending rate case in abeyance until the issue of the requests for positive acquisition adjustments is resolved.

On April 24, 2025, CSWR filed its Response in Opposition to Citizens' Motion to Dismiss with Prejudice or Alternative Motion for Summary Final Order and to Hold Docket No. 20250052-WS in Abeyance (Response). In its Response, CSWR contends that administrative finality did not attach to the previous acquisition adjustment denials, that there are changed circumstances that warrant a positive acquisition adjustment in the instant cases, and that the requested positive acquisition adjustments are in the public interest. Concurrent with its Response, CSWR filed a Request for Oral Argument on OPC's Motion.

At the June 3, 2025 Agenda Conference, we allowed oral argument from the parties on these motions. This order addresses OPC's Motion to dismiss CSWR's petitions for acquisition adjustment and request to hold CSWR's rate case in abeyance. We have jurisdiction pursuant to Sections 367.071, 367.081, and 367.121, Florida Statutes (F.S.).

#### Decision

- I. OPC's Motion to Dismiss with Prejudice or Alternative Motion for Summary Final Order

#### Law

In the seminal case of *Pecples Gas Systems, Inc. v. Mason*, the Florida Supreme Court held:

[O]rders of administrative agencies must eventually pass out of the agency's control and become final and no longer subject to modification. This rule assures that there will be a terminal point in every proceeding at which the parties and the public may rely on a decision as being final and dispositive of the rights and issues involved therein.

187 So. 2d 335, 339 (Fla. 1966). While administrative finality generally applies to final orders, finality does not attach "when there has been a significant change of circumstances or there is a demonstrated public interest." *Delray Medical Center, Inc., v. State Agency for Health Care Administration*, 5 So. 3d 26, 29 (Fla. 4th DCA 2009).

When an administrative rule is revised, retroactive application of the new rule is generally prohibited. *Envtl. Trust v. Dept. of Env'tl. Prot.*, 714 So. 2d 493, 500 (Fla. 1st DCA 1998). However, "retroactive application of a rule may be proper if the rule merely clarifies or explains a previous rule." *Id.* A revised rule "is presumed to operate prospectively in the absence

of express language to the contrary.” *Jordan v. Dept. of Prof. Reg.*, 522 So. 2d 450, 453 (Fla. 1st DCA 1988).

#### Standard of Review

A motion to dismiss raises as a question of law the sufficiency of the facts alleged to state a cause of action.<sup>4</sup> In order to sustain a motion to dismiss, the moving party must show that, accepting all allegations as true, the petition still fails to state a cause of action for which relief may be granted.<sup>5</sup> The moving party must specify the grounds for the motion to dismiss, and all material allegations must be construed against the moving party in determining if the petitioner has stated the necessary allegations.<sup>6</sup> A sufficiency determination should be confined to the petition and documents incorporated therein, and the grounds asserted in the motion to dismiss.<sup>7</sup>

To evaluate a motion to dismiss, all allegations in the petition must be viewed as true and in the light most favorable to the petitioner in order to determine whether there is a cause of action upon which relief may be granted.<sup>8</sup> The “[d]ismissal of a petition shall, at least once, be without prejudice to petitioner’s filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.”<sup>9</sup>

Section 120.57(1)(h), F.S., provides that a summary final order shall be granted if it is determined from the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, that (1) no genuine issue as to any material fact exists, and (2) the moving party is entitled as a matter of law to the entry of a final summary order. The purpose of a summary final order is to avoid the expense and delay of trial when no dispute exists concerning the material facts.

#### OPC’s Motion to Dismiss or Alternative Motion for Summary Final Order

In its Motion to Dismiss, OPC argues that administrative finality has attached to the prior denials of CSWR’s positive acquisition adjustments and that CSWR cannot reapply for the same. OPC contends that CSWR failed to demonstrate the applicability of the exceptions to administrative finality of a significant change in circumstances or a demonstrated public interest. Specifically, OPC claims that the only change in circumstance from CSWR’s previous petitions is the amendment to the acquisition adjustment rule and that the amended rule does not have retroactive application. Consequently, OPC believes that administrative finality has attached to CSWR’s requests for positive acquisition adjustments and that the new petitions should be dismissed.

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<sup>4</sup> *Varnes v. Dawkins*, 624 So. 2d 349, 350 (Fla. 1st DCA 1993).

<sup>5</sup> *Id.* at 350.

<sup>6</sup> *Matthews v. Matthews*, 122 So. 2d 571 (Fla. 2nd DCA 1960).

<sup>7</sup> *Barbado v. Green and Murphy, P.A.*, 758 So. 2d 1173 (Fla. 4th DCA 2000).

<sup>8</sup> See, e.g. *Ralph v. City of Daytona Beach*, 471 So. 2d 1, 2 (Fla. 1983); *Orlando Sports Stadium, Inc. v. State of Florida ex rel. Powell*, 262 So. 2d 881, 883 (Fla. 1972); *Kest v. Nathanson*, 216 So. 2d 233, 235 (Fla. 4th DCA 1986); *Ocala Loan Co. v. Smith*, 155 So. 2d 711, 715 (Fla. 1st DCA 1963).

<sup>9</sup> Section 120.569(2)(c), F.S.

In its Alternative Motion for Summary Final Order, OPC asks that we enter final judgment denying the acquisition adjustments. OPC contends that administrative finality attached because the acquisition adjustments were all previously denied and that Consummating Orders were issued on each denial. Further, OPC argues that there are no changes in circumstances beyond the change in the current rule and that the rule does not apply retroactively. OPC thus claims that there is no genuine issue as to any material fact, and that OPC is thus entitled as a matter of law to entry of a final order denying the acquisition adjustments.

### CSWR's Response

In its Response, CSWR rejects OPC's contentions primarily based on the argument that administrative finality did not attach to the denials of the acquisition adjustments it requested in the three transfers at issue. CSWR argues that administrative finality does not attach because rather than asking us to second-guess our earlier denial of the acquisition adjustments, CSWR is instead presenting us with new applications involving different facts and applying a different law. CSWR cites to precedent wherein we allowed OPC's requests for negative acquisition adjustments where the same negative acquisition adjustments were previously denied.<sup>10</sup> CSWR contends that OPC is changing its position from those previous cases in which OPC argued that administrative finality did not attach to previously denied acquisition adjustments.

CSWR goes on to make numerous arguments in its response premised on the absence of administrative finality. Those arguments are addressed herein. First, CSWR argues that it is not asking us to reconsider our prior decisions under the prior version of the rule. Instead of seeking reconsideration in which we would second-guess our prior denial of acquisition adjustments, CSWR contends that it has timely filed a new petition under the new version of the rule. CSWR claims that while OPC refers to administrative finality, OPC is really arguing *res judicata* to prohibit CSWR from requesting acquisition adjustments a second time.

Second, CSWR claims that the facts and circumstances have changed since the time of the transfers for all three systems for which a positive acquisition adjustment is requested. Specifically, CSWR claims that in the three years since the purchases, it has learned significant facts about all three systems that had not yet occurred or were not known at the time of the transfers in 2022, such as the extreme level of deterioration of wastewater treatment facilities, the work needed to come into environmental compliance, and the former owner's insolvency and how that impacted the operation of the system. CSWR asserts that these new facts and changed conditions demonstrate that administrative finality cannot apply to the denied acquisition adjustments for these systems.

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<sup>10</sup> Order No. PSC-93-1675-FOF-WS, issued November 18, 1993, in Docket No. 920148-WS, *In re: Application for a Rate Increase in Pasco County by Jasmine Lakes Utilities Corp.* (Commission relied on public interest to grant OPC's request for a negative acquisition adjustment despite having previously denied the same); Order No. PSC-01-1554-FOF-WU, issued July 27, 2001, in Docket No. 991437-WU, *In re: Application for increase in water rates in Orange County by Wedgfield Utilities, Inc.* (Commission denied Motion for Summary Final Order and allowed OPC the opportunity to demonstrate a change of circumstances to overcome the prior denial of the requested negative acquisition adjustment).

Third, CSWR argues that revisions to the acquisition adjustment rule since the transfer of the systems constitute changed circumstances that preclude the application of administrative finality. In support, CSWR cites *Delray* which held that the repeal of an administrative rule constituted changed circumstances such that administrative finality did not apply to a hospital's second application for a certificate of need. CSWR argues that just as need was evaluated differently in the second application in *Delray*, so acquisition adjustments should now be evaluated differently under the amended rule.

Fourth, CSWR contends that no person has taken any action in reliance on our prior denials of the requested acquisition adjustments. CSWR states that a key element to administrative finality is that parties or the public have taken action in reliance on the prior decision and that no such action is present for any of its previously denied acquisition adjustments.

Fifth, CSWR contends that the public interest favors considering the petitions on their merits as the purpose of the amended rule is to encourage consolidation and acquisition of failing water and wastewater systems. CSWR claims that under the prior version of the rule, no positive acquisition adjustment was ever granted thereby limiting the acquisition and rehabilitation of failing systems and harming customers of those systems.

Lastly, CSWR asserts that it is not applying the new version of the rule retroactively. Rather, CSWR claims it is making new petitions based on new facts and cost and revenue projections rather than a single event that occurred before the new rule became effective. CSWR contends that the amended rule allows for petitions for acquisition adjustments to be filed within three years of the transfer order and that this new rule recognizes that facts relating to the condition of the transferred systems and the impact of the transfer on customers take time to become fully developed. Rather than applying the new rule to completed events, CSWR claims that its application applies the current procedural standards to new petitions properly brought before us.

### Analysis

Herein, we address the arguments presented by the parties related to OPC's Motions. We find that OPC's requests shall be denied, and CSWR shall be allowed to proceed with the instant petitions.

#### A. Administrative Finality

We find that administrative finality has not attached to CSWR's previously denied positive acquisition adjustments. CSWR has adequately demonstrated both a significant change of circumstances and that it is in the public interest for us proceed on the instant petitions for positive acquisition adjustments.

## 1. Significant Change of Circumstances

We agree with CSWR that facts and circumstances have significantly changed since the time of transfers for all three systems for which a positive acquisition adjustment is requested. We find particularly persuasive the allegations regarding the extreme level of deterioration at these systems' facilities, the work needed to come into environmental compliance, and the impact of the former owners' insolvency on the operation of these systems. The details of these conditions were not known at the time that we previously denied CSWR's requests for positive acquisition adjustments for these systems. Therefore, we disagree with OPC's contention that the only change in circumstances since the previous applications is the amendment to the acquisition adjustment rule, and we find that CSWR has adequately demonstrated a change in circumstances sufficient to allow reconsideration of an acquisition adjustment for these systems.

## 2. Public Interest

In addition to finding that there are changed circumstances, we also find that it is in the public interest to allow CSWR's requests for acquisition adjustments to go forward. Positive acquisition adjustments create an incentive for larger, more sophisticated entities to purchase struggling, non-viable water and wastewater systems. These transfers benefit customers because they inject much-needed capital into their water and wastewater systems to improve both water quality and customer service. Additionally, such transfers may provide the benefits of economies of scale and promote operational and financial stability in otherwise struggling, non-viable systems. We therefore find that it is in the public interest to allow CSWR to go forward with its requests for positive acquisition adjustments for these three systems.

### B. Retroactive Application of Rule 25-30.0371, F.A.C.

We disagree with OPC's contention that CSWR is seeking retroactive application of amended Rule 25-30.0371, F.A.C. Rather than a substantive rule change, we find that the amended rule merely provided a procedural clarification of the previous rule. Furthermore, instead of seeking retroactive rule application, CSWR is making fresh applications under the amended rule. The amended rule allows utilities to come in any time within three years of transfer of systems to request an acquisition adjustment. CSWR has come in within the three-year window and therefore qualifies for relief under the amended rule.

### C. OPC's Alternative Motion for Summary Final Order

We deny OPC's Alternative Motion for Summary Final Order. A Summary Final Order is only appropriate where (1) no genuine issue as to any material fact exists, and (2) the moving party is entitled as a matter of law to the entry of a final summary order. Summary final judgment is therefore generally appropriate only after discovery on all factual issues has been completed. In the instant case, CSWR asserts that there are changed circumstances that warrant consideration of a positive acquisition adjustment. As such, an issue as to a material fact exists such that a Summary Final Order is inappropriate in this case. Further, no discovery has been

conducted with respect to CSWR's three petitions for positive acquisition adjustment. We therefore deny OPC's Alternative Motion for Summary Final Order.

### Conclusion

For the reasons stated above, we deny OPC's Motion to Dismiss with Prejudice and OPC's Alternative Motion for Summary Final Order. We find that changed circumstances and the public interest warrant consideration of CSWR's instant requests for positive acquisition adjustments. Additionally, we reject OPC's contention that CSWR is seeking retroactive application of amended Rule 25-30.0371, F.A.C.

## II. OPC's Motion to Hold Docket No. 20250052-WS in Abeyance

### OPC's Motion for Abeyance

OPC's Motion includes a request to hold CSWR's pending rate case in abeyance until we have disposed of CSWR's requests for positive acquisition adjustments.<sup>11</sup> OPC states that under Rule 28-106.211, F.A.C. the presiding officer may issue any orders necessary to "effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case." OPC contends that because acquisition adjustments are inextricably intertwined with rates, the parties would incur unnecessary rate case expense by litigating the issue in the acquisition adjustment and rate case dockets simultaneously. Furthermore, OPC notes that without an abeyance, the parties would be subject to multiple sets of MFRs in the rate case, leading to confusion and yet more unnecessary rate case expense.

### CSWR's Response

On April 24, 2025, CSWR filed its Response to OPC's Motion. CSWR contends that OPC is seeking to deprive the Utility of its statutory and due process rights to fix rates that are just, reasonable, compensatory, and not unfairly discriminatory. CSWR contends that an abeyance would create the very delay in its rate case that Rule 28-106.211, F.A.C., is meant to avoid. Further, CSWR contends it is currently operating at a substantial loss, and any delay in its rate case would force the Utility to continue operating at a loss, therefore denying it just, reasonable, and compensatory rates.

### Analysis

OPC correctly states that under Rule 28-106.211, F.A.C., the presiding officer has the power to grant an abeyance if he deems it necessary. However, we disagree that an abeyance is necessary or appropriate in this instance. Because we denied OPC's Motion to Dismiss and Alternative Motion for Summary Final Order in Section I, CSWR's requests for acquisition adjustments are to proceed concurrently with the Utility's rate case. The effect on the rate case

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<sup>11</sup> Per the letter approving CSWR's test year, the Utility is expected to file its minimum filing requirements no later than May 23, 2025. (DN 02687-2025)

MFRs should be de minimis. Consequently, we do not find that any additional expense will rise to the level necessary to hold the pending rate case in abeyance. Ultimately, OPC has not stated sufficient grounds to disrupt a utility's statutory right to pursue timely rate relief under Section 367.081, F.S.

Conclusion

For the reasons discussed above, we deny OPC's Motion to Hold Docket No. 20250052-WS in Abeyance.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Office of Public Counsel's Motion to Dismiss with Prejudice and Alternative Motion for Summary Final Order are hereby denied. It is further

ORDERED that the Office of Public Counsel's Motion to Hold Docket No. 20250052-WS in Abeyance is hereby denied. It is further

ORDERED that Docket Nos. 20250038-WS, 20250043-WS, 20250047-WS, and 20250052-WS shall remain open to allow us to consider Central States Water Resources-Florida Utility Operating Company, LLC's petitions for positive acquisition adjustments and base rate increase.

By ORDER of the Florida Public Service Commission this 25th day of June, 2025.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

DISSENTS

Commissioners Andrew Giles Fay and Passidomo Smith respectfully dissent with the Commission's decision to deny OPC's Motion to Dismiss with Prejudice and Alternative Motion for Summary Final Order.

COMMISSIONER PASSIDOMO SMITH, dissenting with separate opinion:

The Commission approved the transfer of North Peninsula Utilities Corporation wastewater system, Aquarina Utilities, Inc., and Sunshine Utilities of Central Florida, Inc. to CSWR without positive acquisition adjustments in 2022.<sup>12</sup> At the time, the Commission denied the positive acquisition adjustments based on a previous version of Rule 25-30.0371, F.A.C. The rule subsequently was amended on June 17, 2024, several years after CSWR initially came before the Commission with its transfer applications. CSWR is asking the Commission to apply the amended version of Rule 25-30.0371, F.A.C. to system transfers that became final in 2022. The current version of Rule 25-30.0371, F.A.C., does not contain express language signaling it should apply retroactively.

The Commission does not have the authority to apply the newly amended version of Rule 25-30.0371, F.A.C. to CSWR's petitions. Florida statute and case law, in addition to federal case law, demonstrate that government agency rules generally apply prospectively, not retroactively.<sup>13</sup> Section 120.54(1)(f), F.S., states "an agency may not adopt retroactive rules, including retroactive rules intended to clarify existing law, unless that power is expressly authorized by statute." Florida and federal case law expand upon this principle, opining that new or edited rules that clarify an existing rule must not establish new substantive requirements.<sup>14</sup> Accordingly, new or revised rules are not applicable to legal matters before a rule change unless explicitly stated and authorized by the enabling statute.

Moreover, nothing herein should be construed as a lack of support for the Commission's amendments to Rule 25-30.0371, F.A.C. The previous version of the rule required utilities to overcome steep hurdles in requesting positive acquisition adjustments, necessitating a utility company to make its application at the time of transfer and demonstrating extraordinary circumstances in support of its request. The amended version of the rule provides greater flexibility in allowing a utility to request a positive acquisition adjustment either at the time of transfer or within 3 years of the order approving the transfer. Further, the amended rule provides greater clarity to a utility regarding the kind of information it needs to present in support of its request for a positive acquisition adjustment. The Commission approved the current version of Rule 25-30.0371, F.A.C., to encourage utility companies to acquire and repair non-viable water

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<sup>12</sup> See Order No. PSC-2022-0116-PAA-SU; Consummating Order PSC-2022-0137-CO-SU; Order No. PSC-2022-0115-PAA-WS; Consummating Order PSC-2022-0133-CO-WS; Order No. PSC-2022-0120-PAA-WU; Consummating Order PSC-2022-0136-CO-WU.

<sup>13</sup> See, e.g., Section 120.54(f), Florida Statutes (F.S.); *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 109 S. Ct. 468, 102 L. Ed. 2d 493 (1988); *Jordan v. Dept. of Prof. Reg.*, 522 So. 2d 450, 453 (Fla. 1st DCA 1988).

<sup>14</sup> See, e.g., *Smiley v. Citibank (S. Dakota), N.A.*, 517 U.S. 735, 116 S. Ct. 1730, 135 L. Ed. 2d 25 (1996); *Envtl. Trust v. Dept. of Env'tl. Prot.*, 714 So. 2d 493, 500 (Fla. 1st DCA 1998).

and wastewater utilities. Specifically, this dissent from the majority decision is based on legal grounds, not policy grounds. Future applications for acquisition adjustments are unlikely to be constrained by the legal posture presented in CSWR's current applications. Therefore, future applications will be reviewed under the new version of Rule 25-30.0371, F.A.C., consistent with the Commission's policy incentivizing utility acquisition and consolidation.

#### NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.