



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: September 18, 2002
TO: Division of Commission Clerk and Administrative Services
FROM: Division of Economic Regulation (Rendell, Fitch) *RF*
 Office of General Counsel (Jaeger) *JA*
RE: Docket No. 010869-WS Application for a Staff Assisted Rate Case by East Marion Sanitary Services, Inc.

Pursuant to Order No. PSC-02-1168-PAA-WS, East Marion Sanitary Services, Inc. (East Marion or utility) elected to place its rates into effect prior to the PAA order's protest period ending. Pursuant to that order, the utility provided the attached escrow agreement with the Director of Commission Clerk and Administrative Services as a signatory. The protest period for this order ended on September 16, 2002, without protest and the attached Consummating Order No. PSC-02-1273-CO-WS, was issued on September 18, 2002, making the PAA order final. The Consummating Order makes the PAA rates final and no refund will be necessary. Therefore, the money in the escrow account should be released to the utility.

AUS _____
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 COM _____
 CTR _____
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 SEC
 OTH *Ray*

DOCUMENT NUMBER-DATE

09928 SEP 18 02

FPSC-COMMISSION CLERK

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ESCROW AGREEMENT

This escrow agreement is being entered into between East Marion Sanitary Systems, Inc. ("Utility"), AmSouth Bank ("Bank"), as escrow agent, at the direction of the Florida Public Service Commission ("FPSC") on this 30 day of AUGUST, 2002.

1. Utility is to make deposits to escrow account pursuant to FPSC order.
2. Bank to maintain account and only release deposited funds at the written direction of FPSC.
3. No funds in the escrow account may be withdrawn by the Utility without the express approval of the FPSC.
4. The escrow account should be an interest bearing account.
5. If a refund to the customers is required, all interest earned by the escrow account will be distributed to the utilities customers.
6. Bank shall have no responsibility or liability for utilities requirements.
7. If a refund to the customers is not required, all interest earned by the escrow account will revert to Utility.
8. All information on the escrow account is available to FPSC from the Bank.
9. Utility agrees to deposit revenue subject to refund into escrow account within seven days of receipt.
10. This escrow account is established by the direction of the FPSC for the purpose(s) set forth in its order requiring such account. Escrow account is not subject to garnishments.
11. The director of Commission Clerk and administrative Services will be a signatory to this escrow agreement.
12. Bank shall be entitled to rely on any instructions it receives and which it believes in good faith were sent by the Utility or FPSC. The Account established with Bank shall be titled EAST MARION SANITARY SYSTEM and the taxpayer identification number of the Utility will be used for any tax reporting purposes. Any requests for withdrawals must be made by a Utility representative and the Director of Commission (FPSC) Clerk on behalf of the FPSC.
13. Bank shall assume no obligation other than those set forth in this Agreement. Bank reserves the right to resign as Escrow Agent by giving Utility and FPSC thirty (30) days advance written notice of its intent to resign.
14. Utility agrees to indemnify and hold Bank harmless from any claims, demands, expenses (including reasonable attorneys fees) and liability of any kind arising from Bank's service as Escrow Agent unless the claims arise as a result of Bank's gross negligence or willful misconduct.

East Marion Sanitary Systems, Inc.

BY: [Signature]

TITLE: President

AmSouth Bank

BY: [Signature]

TITLE: Customer Serv. Assoc.

[Signature]
By: Blanca S. Bayó, Commission Clerk
and Administrative Services Director

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-
assisted rate case in Marion
County by East Marion Sanitary
Systems, Inc.

DOCKET NO. 010869-WS
ORDER NO. PSC-02-1273-CO-WS
ISSUED: September 18, 2002

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-02-1168-PAA-WS, issued August 26, 2002, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-02-1168-PAA-WS has become effective and final. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 18th day of September, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: /s/ Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

This is a facsimile copy. Go to the
Commission's Web site,
<http://www.floridapsc.com> or fax a request
to 1-850-413-7118, for a copy of the order
with signature.

(S E A L)
RRJ

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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 judicial review of Commission orders that is available pursuant to Section 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 judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.