

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Colonies of)	DOCKET NO. 900212-WU
Margate Homeowners' Association)	ORDER NO. 23811
Against Colonies Water Company in)	ISSUED: 11-27-90
Broward County Regarding Increase)	
in Water Rates)	
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The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

ORDER DISMISSING COMPLAINT

BY THE COMMISSION:

The Colonies of Margate Homeowners' Association (Homeowners') filed a complaint against Colonies Water Company (Colonies) complaining about allegedly extensive water leakage and challenging some of the circumstances surrounding Colonies' certification in 1987. Because the complaint involved primarily factual issues, the Commission referred the case to the Division of Administrative Hearings (DOAH). Before a hearing was held on the complaint, the Homeowners' moved for a voluntary dismissal of the complaint. Colonies Water Company moved for an award of costs and attorney's fees. The DOAH hearing officer entered an order granting the motion for voluntary dismissal, denying the motion for attorney's fees and costs, closing the DOAH file, and returning the case to this Commission for entry of a final order of dismissal consistent with the Homeowners' motion. Because this is the first dismissal with regard to these issues, the dismissal is without prejudice. In addition, because there are no outstanding issues, this docket may be closed.

In consideration of the foregoing it is

ORDERED that the complaint by Colonies of Margate Homeowners' Association against Colonies Water Company is dismissed without prejudice. It is further

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ORDERED by the Florida Public Service Commission that this docket is closed.

By ORDER of the Florida Public Service Commission this 27th day of NOVEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MJL

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.