

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of FLORIDA DEPARTMENT )	DOCKET NO. 890355-WU
OF NATURAL RESOURCES against ST. GEORGE )	
ISLAND UTILITY COMPANY, LTD. in Franklin )	ORDER NO. 24480
County regarding refund for water meter )	
hookups )	ISSUED: 5/6/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 GERALD L. GUNTER  
 BETTY EASLEY

ORDER CLOSING DOCKET

BY THE COMMISSION:

On or about November 13, 1978, the Department of Natural Resources (DNR) entered into a refundable main extension agreement with St. George Island Utility Company, Ltd. (St. George). Under this agreement, DNR advanced to St. George the sum of \$126,980, to be used for the construction of a water main to the Dr. Julian G. Bruce St. George Island State Park, while St. George agreed to refund \$150 for each water meter subsequently connected to the main, until all monies due under the agreement were fully reimbursed.

On March 9, 1989, DNR filed a complaint against St. George for the latter's alleged violation of the refundable advance agreement. According to DNR, St. George had connected some 57 residential units for which reimbursement had not been made, and requested that we order St. George to refund to DNR a total of \$8,550, or \$150 for each of the 57 connections.

On August 9, 1989, DNR filed a motion to abate these proceedings pending the parties' attempts to settle this matter. Although we are informed that the parties were able to come to some sort of arrangement for payment, it appears that St. George again failed to live up to its end of the agreement. However, during the course of the abatement, DNR withheld payment on its water bills and has, in that manner, recouped the entire amount alleged in its

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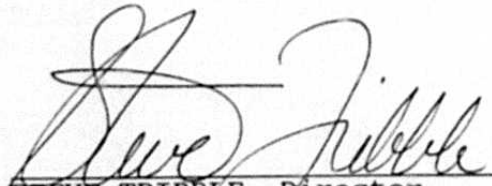
complaint.

In consideration of the above, by letter dated December 5, 1990, DNR requested that we close this docket. Although it appears that there may be further amounts due under the refundable advance agreement, this complaint only contemplated a specific number of connections and DNR has recouped all monies due thereunder. We note, however, that a second complaint was filed by DNR, which complaint has been referred to the Division of Administrative Hearings.

It is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 890355-WU be and is hereby closed.

By Order of the Florida Public Service Commission, this 6th day of MAY, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.