

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Mr. and) DOCKET NO. 950343-WS
Mrs. Ed Keohane Against Gulf) ORDER NO. PSC-96-0331-FOF-WS
Utility Company in Lee County) ISSUED: March 7, 1996
Concerning Refund of)
Contributions-in-Aid-of-)
Construction (CIAC) Charges.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER MAKING ORDER NO. PSC-95-0745-FOF-WS
FINAL, WITH AN EFFECTIVE DATE OF FEBRUARY 20, 1996,
AND CLOSING DOCKET

BY THE COMMISSION:

On August 24, 1984, Edward and Marie Keohane (the Keohanes), owners of Shady Acres Mobile Home Subdivision (Shady Acres), entered into an agreement with Gulf Utility Company (Gulf) for the provision of water service by Gulf to Shady Acres. Prior to signing to the agreement, the Keohanes installed a water line to receive service from Gulf. The agreement provided that Gulf would serve Shady Acres in exchange for prepaid service availability fees and guaranteed revenues. Thereafter, the Keohanes paid service availability fees in the amount of \$11,621,60. The Keohanes were not billed for nor did they pay the guaranteed revenues.

By Order No. 14219, issued on March 22, 1985, in Docket No. 840336-WS, the Commission increased Gulf's water system capacity charge from \$148.50 to \$800.00 per equivalent residential connection (ERC), effective March 12, 1985. A dispute arose regarding whether or not the Keohanes should pay the increased capacity charge. By Order No. 18035, issued in Docket No. 861171-WS on August 24, 1987, the Commission determined that the Keohanes were responsible for paying the original service availability charges of \$11,621.60 plus \$936.19 for installing a meter, which entitled the Keohanes to a refund of \$6,763.28 minus the base facility charge owed from January 18, 1985 to December of 1986.

On December 5, 1994, a complaint was filed with the Commission on behalf of Shady Acres and the Keohanes. According to the complaint, the Keohanes had an agreement for refundable advances

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approved by the Commission in Order No. 18035. The Keohanes stated that the agreement provided that they would be paid \$265.90 per ERC by Gulf if and when any new customer connected to the system. Allegedly, Gulf failed to pay the Keohanes for connection of Shady Acres Travel Park (Travel Park).

By Proposed Agency Action (PAA) Order No. PSC-95-0745-FOF-WS issued June 21, 1995, the Commission denied the Keohanes' request for payment of refundable advances for connection of the Travel Park. On July 11, 1995, the Keohanes filed a Petition on Proposed Agency Action, protesting PAA Order No. PSC-95-0745-FOF-WS.

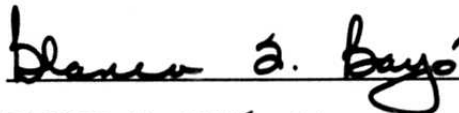
On November 13, 1995, the Keohanes filed a Notice of Dismissal of Complaint and withdrew their protest. The Notice states that the parties reached an agreement resolving all matters in dispute. Basically, the parties reached a financial settlement regarding repayment for connections to the Travel Park in lieu of proceeding with the hearing. Since the protest has been withdrawn, we find it appropriate to make Order No. PSC-95-0745-FOF-WS final, with an effective date of February 20, 1996. There are no remaining issues in this docket and it shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-95-0745-FOF-WS is hereby final, with an effective date of February 20, 1996. It is further

ORDERED that Docket No. 950343-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 7th day of March, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.