

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by certain) DOCKET NO. 941130-WU
customers for limited proceeding) ORDER NO. PSC-96-0917-FOF-WU
to set private fire protection) ISSUED: July 16, 1996
rate charged by United Water)
Florida Inc. in St. Johns)
County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST, DECLARING
ORDER NO. PSC-95-0479-FOF-WU TO BE FINAL AND EFFECTIVE,
AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On October 24, 1994, several customers of United Water Florida Inc. (UWF or utility) filed separate, but identical, petitions for limited proceeding under Section 367.0822(1), Florida Statutes, to set the private fire protection rate charged by the utility in accordance with Commission rules. They alleged that the private fire protection rate charged by UWF violates Rules 25-30.465 and 25-30.437(6), Florida Administrative Code.

On December 14, 1994, the Office of Public Counsel (OPC) filed a notice of intervention in this docket pursuant to the provisions of Section 350.0611, Florida Statutes. We acknowledged OPC's intervention by Order No. PSC-94-1601-PCO-WU, issued December 23, 1995.

By Order No. PSC-95-0479-FOF-WU, issued April 13, 1995, we proposed to deny, among other things, the petitions for a limited proceeding. On May 3, 1995, two of the several customers who had filed requests for the limited proceeding timely filed a protest to the order. Consequently, an administrative hearing was scheduled

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to be held on January 26, 1996, in this matter, with a prehearing scheduled for January 5, 1996. Order No. PSC-95-0673-PCO-WU, the Order Establishing Procedure, was issued on May 31, 1995.

On December 28, 1995, one of the protesting customers filed a motion for continuance of the prehearing and the hearing. As grounds for the motion, the customer stated that he was exploring other options for his condominium association which could serve to alleviate the customers' interest in pursuing this matter, and that to proceed with the scheduled prehearing and hearing could unnecessarily expend the resources of the customers and the other parties. All parties agreed to the requested continuance. By Order No. PSC-96-0265-PCO-WU, issued February 23, 1996, the Prehearing Officer granted the motion. The hearing was rescheduled to be held on June 21, 1996, with a prehearing to be held on June 14, 1996.

On October 11, 1995, UWF filed a motion for identification of customers to notify of hearing. By that motion, the utility requested, among other things, that the number of customers to be notified of the hearing be limited to the general service water customers and private fire protection customers. Also by Order No. PSC-96-0265-PCO-WU, the Prehearing Officer deferred a ruling on the motion in light of her decision to grant the customer's motion for continuance, and indicated that a ruling on the motion would be issued in time for the utility to notify the appropriate customers of the date, time, location and purpose of the hearing no less than fourteen days prior to the first day of the hearing, should the customers elect to pursue this matter.

On May 30, 1996, the protesting customers, through OPC, filed a withdrawal of protest of the proposed agency action identified by Order No. PSC-95-0479-FOF-WU. By Order No. PSC-96-0748-PCO-WU, issued June 6, 1996, the Chairman cancelled the June 14, 1996, prehearing, as well as the June 21, 1996, hearing, indicating that the prehearing and hearing would be rescheduled if we elected not to acknowledge the withdrawal of protest.

WITHDRAWAL OF PROTEST

In the withdrawal of protest, the protesting customers state that UWF has adequately assured them that it will not oppose the identification of the utility's private fire protection rates as an issue in the utility's forthcoming rate case, to which Docket No. 960451-WS has been assigned.

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We hereby acknowledge the customers' withdrawal of protest. We note that UWF has noticed its intent to file a rate case, in which issues involving the utility's private fire protection rates can be addressed. Accordingly, Order No. PSC-95-0479-FOF-WU shall be made final and effective June 25, 1996. We need not rule upon the utility's motion for identification of customers to notify of hearing, as the motion is moot.

Because no further action is necessary in this docket, this docket shall be closed.

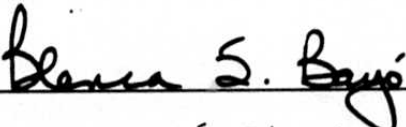
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of protest to Order No. PSC-95-0479-FOF-WU is hereby acknowledged. It is further

ORDERED that Order No. PSC-95-0479-FOF-WU shall be made final and effective June 25, 1996. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 16th day of July, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

RGC

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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.