

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Broward) DOCKET NO. 960025-EI
County Government against) ORDER NO. PSC-96-1360-FOF-EI
Florida Power & Light Company) ISSUED: November 18, 1996
regarding streetlight billing in)
Broward 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 REQUEST FOR HEARING
AND APPROVING STIPULATION

BY THE COMMISSION:

BACKGROUND

On April 8, 1996, the Commission issued a Proposed Agency Action Order Denying Refund, Order No. PSC-96-0492-FOF-EI, in the above captioned docket. On April 29, 1996, Broward County, Florida filed a Petition for an Administrative Hearing pursuant to Section 120.57(1) Florida Statutes. As there are two adversarial parties to the complaint and because the issues to be resolved are mainly factual and do not involve controversial regulatory matters, the Commission referred the case to the Division of Administrative Hearings (DOAH).

DOAH assigned Case No. 96-2367. The Commission filed a Motion for Leave to Intervene on July 30, 1996, and intervention was granted on August 16, 1996. Subsequently, Broward County and Florida Power & Light Company (FPL) filed a Stipulation and Notice of Withdrawal with DOAH on September 3, 1996. On September 5, 1996, DOAH issued an Order Closing File.

DECISION

The Commission denied Broward County's complaint for streetlight billings in Order No. PSC-96-0492-FOF-EI. In the Stipulation and Notice of Withdrawal, Broward County agrees to forego any further efforts to pursue refunds from Florida Power & Light Company on disputed billings that were the subject of the

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original complaint. Both parties agree to bear their own costs and attorneys fees for any matters related to the proceedings before DOAH and before the Commission relative to this docket. The Stipulation is attached hereto as Attachment A. Broward County and FPL both agree that the Stipulation and Notice of Withdrawal withdraws the County's protest of Order No. PSC-96-0492-FOF, not the original complaint which initiated this docket. Therefore, we approve the Stipulation and Notice of Withdrawal and, since the protest has been withdrawn, make Order No. PSC-96-0492-FOF final and effective on the date of the Commission vote.

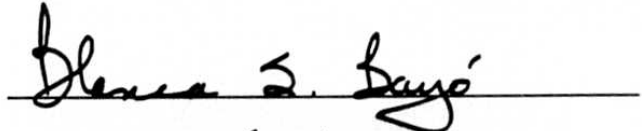
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Stipulation and Notice of Withdrawal executed by Broward County, Florida and Florida Power & Light Company in Division of Administrative Hearing Case No. 96-2367 is approved. It is further

ORDERED that Order No. PSC-96-0492-FOF is final agency action effective October 29, 1996. It is further

ORDERED that this docket be closed.

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