

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for staff-) DOCKET NO. 950966-WS
assisted rate case in Highlands) ORDER NO. PSC-96-1458-FOF-WS
County by Sebring Ridge) ISSUED: December 2, 1996
Utilities, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST AND DECLARING
ORDER NO. PSC-96-0869-FOF-WS TO BE FINAL AND EFFECTIVE

BY THE COMMISSION:

BACKGROUND

Sebring Ridge Utilities, Inc. (Sebring Ridge or utility), is a Class C utility located in Highlands County which provides water service to approximately 426 residential customers and two general service customers, and wastewater service to approximately 47 residential customers and two general service customers. It also provides stand-by water service to another jurisdictional utility, Crystal Lake Club.

On August 15, 1995, the utility applied for this staff assisted rate case. Due to the condition of the utility's books, the staff audit was delayed and the utility requested waiver of the fifteen-month statutory requirement for completing this case.

By Proposed Agency Action (PAA) Order No. PSC-96-0869-FOF-WS, issued July 2, 1996, in this docket, the full Commission proposed to approve a water and wastewater rate increase as well as new miscellaneous service charges and service availability charges for the utility. The Commission also granted the utility temporary rates, subject to refund, in the event of a protest. In compliance with that Order, the utility had approved and thereafter opened an escrow account to guarantee any potential refund to the customers in the event of a successful protest.

The protest period expired at the close of business on July 23, 1996. No timely protests were filed. However, by Order No. PSC-96-1184-FOF-WS, issued September 20, 1996, in this docket, we

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granted a customer's request for a formal proceeding upon finding that good cause had been shown as to why the request was untimely filed four days late. Consequently, this matter was scheduled for a formal hearing to be held on May 29-30, 1997, in Highlands County. An Order Establishing Procedure (Order No. PSC-96-1173-PCO-WS) was issued on September 19, 1996. However, prehearing activities have not yet begun.

WITHDRAWAL OF PROTEST

On October 11, 1996, the protesting customer advised our legal staff by telephone that he wishes to withdraw his protest. On October 15, 1996, our Legal Division received a letter from the protesting customer confirming that he withdraws his request for a formal hearing. In the letter, the customer states that his physical condition does not permit him to attend hearings or to continue his protest. For informational purposes, we note that the customer also states in the letter that he continues to believe that the amount of the rate increase granted was completely unjustified. The letter was filed on October 28, 1996.

Based on the foregoing, we find it appropriate to acknowledge the customer's withdrawal of protest. Accordingly, Order No. PSC-96-0869-FOF-WS shall be made final with an effective date of November 12, 1996, and the monies currently being held in escrow as security for a potential refund shall be released to the utility.

This docket shall be closed administratively six months from the effective date of this Order, provided the utility completes all of the requirements of Order No. PSC-96-0869-FOF-WS within the allotted six-month timeframe.

Based on the foregoing, it is

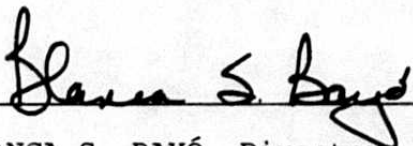
ORDERED by the Florida Public Service Commission that the withdrawal of the customer protest of Order No. PSC-96-0869-FOF-WS is hereby acknowledged. It is further

ORDERED that Order No. PSC-96-0869-FOF-WS is hereby declared to be final and effective as of November 12, 1996. It is further

ORDERED that this docket shall be closed administratively six months from the effective date of this Order, provided that Sebring Ridge Utilities, Inc., completes all of the requirements of Order No. PSC-96-0869-FOF-WS within the allotted six-month timeframe.

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By ORDER of the Florida Public Service Commission, this 2nd
day of December, 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.