

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-
assisted rate case in Pasco
County by Dixie Groves Estates,
Inc.

DOCKET NO. 980726-WU
ORDER NO. PSC-99-0745-FOF-WU
ISSUED: April 19, 1999

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING THE WITHDRAWAL OF CUSTOMER
PROTEST, MAKING PROPOSED AGENCY ACTION
ORDER NO. PSC-99-0243-FOF-WU FINAL AND EFFECTIVE,
AND CANCELING ESCROW AGREEMENT

BY THE COMMISSION:

BACKGROUND

On June 9, 1998, Dixie Groves Estates, Inc. (Dixie Groves or utility) submitted an application for a staff-assisted rate case. By Proposed Agency Action (PAA) Order No. PSC-99-0243-FOF-WU, issued February 9, 1999, we proposed to grant new rates and charges for the utility.

On March 1, 1999, a customer of Dixie Groves submitted a petition with signatures of other customers protesting PAA Order No. PSC-99-0243-FOF-WU, pursuant to Rules 25-22.029(4) and 25-22.036(7)(a) and (f), Florida Administrative Code. Therefore, this docket was set for hearing. The customer alleged that the utility's rate increase was too high. Our staff contacted the customer on two separate occasions to obtain clarification as to whether she and the petition's signatories were protesting this matter and requesting that it be set for hearing. The customer indicated to our staff via telephone and subsequently in writing that she and the signatories did not request a hearing in this matter but wanted the Commission to know that they were displeased with the rate increase.

DOCUMENT NUMBER-DATE

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WITHDRAWAL OF PROTEST

On March 15, 1999, the customer of Dixie Groves⁰ submitted a Withdrawal of Protest of Proposed Agency Action Order No. PSC-99-0243-FOF-WU. We acknowledge the customer's Withdrawal of Protest. Therefore, Order No. PSC-99-0243-FOF-WU shall be made final and effective March 30, 1999.

By Order No. PSC-99-0243-FOF-WU, we allowed the utility to implement the PAA rates as temporary rates subject to refund in the event of protest, if the utility first provided security. In accordance with that Order, the utility submitted for approval an escrow agreement made between the Huntington National Bank in Pasco County, the Florida Public Service Commission, and Dixie Groves Estates, Inc. We approved that agreement on March 10, 1999.

Based on the foregoing, the escrow agreement shall be canceled, and all funds in the escrow account, along with any interest earned by the escrow account, shall revert to the utility. No further action is necessary in this docket and the docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Withdrawal of Protest of Proposed Agency Action Order No. PSC-99-0243-FOF-WU is hereby acknowledged. It is further

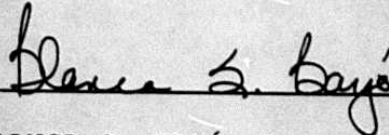
ORDERED that Proposed Agency Action Order No. PSC-99-0243-FOF-WU shall be made final and effective March 30, 1999. It is further

ORDERED that the escrow agreement shall be canceled and all funds and interest in the account shall revert to the utility. It is further

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ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 19th
day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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

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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.