

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificates Nos. 136-W and
97-S to add and delete territory
in Pasco County by Aloha
Utilities, Inc.

DOCKET NO. 990940-WS
ORDER NO. PSC-99-1826-FOF-WS
ISSUED: September 20, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER GRANTING REQUEST FOR REFUND OF
EXCESS FILING FEE

BY THE COMMISSION:

BACKGROUND

Aloha Utilities, Inc. (Aloha or utility) is a Class A water and wastewater utility located in Pasco County. The utility consists of two divisions (Aloha Gardens and Seven Springs). Both divisions have water and wastewater systems. At the end of the year 1998, the utility served a total of 11,432 water customers, and 10,892 wastewater customers. According to the utility's 1998 annual report, its total annual revenues were \$5,387,217 and the net operating income was \$351,009.

On July 19, 1999, Aloha applied for an amendment of Certificates Nos. 136-W and 97-S to add and delete territory in Pasco County (County). The utility is exchanging territory with the County, so that Aloha and the County can better serve a planned unit development within the County. By this amendment application, the utility proposes to add 113 equivalent residential connections (ERCs) for water and wastewater and to delete about 98 ERCs for water and wastewater.

DOCUMENT NUMBER-DATE

11252 SEP 20 89

FPSC-RECORDS/REPORTING

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FILING FEE

The law firm which represents the utility paid a filing fee of \$4,500 for the filing of the amendment and deletion application. On August 6, 1999, and August 12, 1999 the firm filed letters requesting a refund of \$3,900.

According to Rule 25-30.020, Florida Administrative Code, a separate fee shall apply for water and wastewater service. The correct filing fee for the additional area is \$200 for water, and \$200 for wastewater, and the correct filing fee for the deletion of the water area is \$100, and \$100 for wastewater. As stated earlier, the application contains a check in the amount of \$4,500. Therefore, a refund of \$3,900 ($\$4,500 - (\$200 + \$200 + \$100 + \$100) = \$3,900$) shall be made to the law firm representing the utility.

The Commission has given staff the authority to administratively approve applications for amendment to certificates when no objections have been filed and the application is without controversy. We note that, to date, there does not appear to be any controversy in the exchange of territory in this case, and no customers will be without service. Therefore, this application shall be processed administratively unless an objection is received or the Department of Community Affairs submits comments that need to be addressed.

This docket shall remain open to process the amendment application administratively when the application is complete.

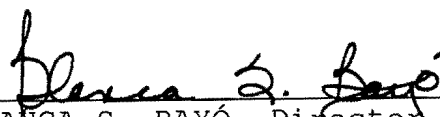
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that because Aloha Utilities, Inc. submitted an excess of \$3,900 in filing fees, this amount shall be refunded to the law firm representing the utility which paid the application fee on behalf of the utility. It is further

ORDERED that this docket shall remain open to process the amendment application administratively unless an objection is received or the Department of Community Affairs submits comments that need to be addressed.

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By ORDER of the Florida Public Service Commission this 20th
day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JKF

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 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.