

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-
assisted rate case in Highlands
County by Damon Utilities, Inc.

DOCKET NO. 981198-WS
ORDER NO. PSC-99-1827-FOF-WS
ISSUED: September 20, 1999

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTESTS AND
MAKING ORDER NO. PSC-99-1223-PAA-WS FINAL
AND EFFECTIVE AUGUST 31, 1999

BY THE COMMISSION:

On September 22, 1998, Damon Utilities, Inc. (Damon or utility) filed an application for a staff-assisted rate case pursuant to Section 367.0814, Florida Statutes. On June 21, 1999, the Commission issued Proposed Agency Action Order No. PSC-99-1223-PAA-WS, approving Damon's increased water and wastewater rates and charges.

On July 12, 1999, a Protest of Proposed Agency Action and Request for Hearing was timely filed by the Office of Public Counsel (OPC) on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association. Also, on July 12, 1999, OPC timely filed Citizens' Petition for Formal Hearing. Accordingly, this matter was scheduled for an administrative hearing on October 21 and 22, 1999.

On August 11, 1999, a Withdrawal of Protest of Proposed Agency Action and Request for Hearing was filed by OPC on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association. Also, on August 11, 1999, OPC filed its Withdrawal of Citizens' Petition for Formal Hearing.

Although Order No. PSC-99-1223-PAA-WS allowed Damon, in the event of a protest, to implement the rates and charges set forth in that Order as temporary rates held subject to refund, Damon chose

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not to do so. Thus, there is no action that needs to be taken with respect to any temporary rates held subject to refund.

Based on the foregoing, we hereby acknowledge the Withdrawal of Protest of Proposed Agency Action filed by OPC on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association and the Withdrawal of Citizens' Petition for Formal Hearing filed by OPC. Furthermore, Order No. PSC-99-1223-PAA-WS shall be final and effective August 31, 1999.

Order No. PSC-99-1223-PAA-WS allowed for the administrative closing of this docket upon our staff's verification that the utility has taken certain action, pursuant to that Order, with regard to maintaining its books and records and service availability charges and to refunding certain service availability charges. Our staff has not yet verified this information; therefore, this docket shall remain open.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Withdrawal of Protest of Proposed Agency Action filed by the Office of Public Counsel on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association and the Withdrawal of Citizens' Petition for Formal Hearing filed by the Office of Public Counsel are hereby acknowledged. It is further

ORDERED that Order No. PSC-99-1223-PAA-WS shall be final and effective August 31, 1999. It is further

ORDERED that this docket shall remain open to allow Commission staff to verify that Damon Utilities, Inc., has taken certain action, pursuant to Order No. PSC-99-1223-PAA-WS, with regard to maintaining its books and records and service availability charges and to refunding certain service availability charges. Once Commission staff has verified this information, the docket shall be closed administratively.

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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

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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.