

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificate No. 491-W to add
territory in Gulf County by
Lighthouse Utilities Company,
Inc.

DOCKET NO. 981343-WU
ORDER NO. PSC-99-1908-FOF-WU
ISSUED: September 27, 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 ACKNOWLEDGING WITHDRAWAL OF APPLICATION AND
DENYING REQUEST FOR REFUND OF FILING FEE

BY THE COMMISSION:

Lighthouse Utilities Company, Inc., (Lighthouse or utility) is a Class B water utility serving approximately 667 primarily residential customers in the Cape San Blas area of southern Gulf County. According to its 1998 annual report, the utility's operating revenues were \$250,630 with a net operating income of \$88,013.

On October 14, 1998, Lighthouse filed an application, pursuant to Section 367.045, Florida Statutes, to amend Certificate No. 491-W to extend its service territory. The stated purpose of the extension was to enable Lighthouse to be prepared for anticipated growth. On July 1, 1999, the utility filed a letter withdrawing its application for amendment. The letter also requested the return of the \$200.00 filing fee.

When a utility requests a refund of its filing fee, the request is analyzed in terms of the amount of time and work that has been devoted to processing the utility's application. In cases

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where Commission staff has not yet committed significant time and effort, such as where only the Case Assignment and Scheduling Record has been established, we have refunded the utility's application fee. See Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU. See also Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS (finding that Commission practice is to refund a filing fee if no significant time and effort have been spent on a case); and Order No. 19133, issued April 12, 1988, in Docket No. 871326-SU (directing that the filing fee be refunded, as virtually no Commission staff time or resources had been expended). However, where our staff has devoted a significant amount of time in processing the application, we have denied the refund of the filing fee. See Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS and Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS. In Docket No. 931198-WS, our staff expended a considerable amount of time processing deficiencies and an audit of the utility's books and records had been completed.

Similar to Docket No. 931198-WS, Lighthouse's application contained several major deficiencies, the most significant of which were that notice of the filing was not given and there was no evidence of immediate need. Moreover, although amendment applications do not require an audit to establish rate base, they do require a degree of engineering review as well as a review of need by the Department of Community Affairs. Both of these reviews have been completed.

During the period between the filing on October 14, 1998 and the withdrawal of the application on July 1, 1999, multiple Commission staff members and agencies expended considerable effort in evaluating the filing, generating correspondence, and engaging in conversations with the utility and its representatives in an attempt to resolve deficiencies and clarify the purpose of the filing. But for the absence of the notice required by statute and rule, our staff was prepared to bring a recommendation to us on the available data.

Based on this level of effort and our practice with regard to refunding filing fees, we find that it would be unreasonable and

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inconsistent to refund the filing fee. However, it is possible that the utility may have occasion in the near future to file another application for amendment of a portion of the territory requested in this application. If the utility files for another territory amendment, it has the option to request a waiver of the filing fee pursuant to Section 120.542, Florida Statutes.

Based on the foregoing, we hereby acknowledge Lighthouse's withdrawal of its application for amendment of Certificate No. 491-W and deny its request for a refund of the filing fee. No further action is required, and this docket shall be closed.

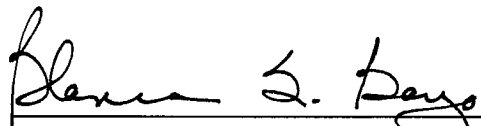
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of Lighthouse Utilities Company, Inc.'s application for amendment of Certificate No. 491-W is hereby acknowledged. It is further

ORDERED that Lighthouse Utilities Company, Inc.'s request for refund of the filing fee is denied. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 27th 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.