

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding emergency, temporary, and permanent increase in water rates to customers in Seven Springs service area in Pasco County, by Aloha Utilities, Inc.

DOCKET NO. 010168-WU
ORDER NO. PSC-01-1429-FOF-WU
ISSUED: July 3, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER DENYING MOTION FOR REFUND OF FILING FEE

BY THE COMMISSION:

BACKGROUND

Aloha Utilities, Inc. (Aloha or utility), is a Class A water and wastewater utility in Pasco County (County). The utility consists of two distinct service areas, Aloha Gardens and Seven Springs.

On February 5, 2001, Aloha filed a limited proceeding for its Seven Springs water system. The utility requested an emergency, temporary, and permanent increase in rates due to a substantial increase in purchases of bulk water from the County. By Proposed Agency Action (PAA) Order No. PSC-01-0997-PAA-WU, issued April 23, 2001, we denied this limited proceeding application. That Order was consummated by Order No. PSC-01-1124-CO-WU, issued May 16, 2001.

On April 17, 2001, the utility filed a motion for refund of the \$2,250 filing fee submitted for the processing of this limited proceeding application. We have jurisdiction pursuant to Section 367.145, Florida Statutes.

DOCUMENT NUMBER-DATE

08159 JUL-30

FPSC-RECORDS/REPORTING

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MOTION FOR REFUND OF FILING FEE

In the past, this Commission has determined the appropriateness of refunding filing fees on a case-by-case basis. We typically analyze utility requests for filing fee refunds in terms of the amount of time and work that our staff has devoted to processing the utility's application. In those cases in which the application process has been relatively simple, such as when it only involves the filing of a Case Assignment and Scheduling Record, we have generally refunded the filing fee. See 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 has 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 significant time has been expended, we have denied requests for refunds of filing fees. See Order No. PSC-99-1908-FOF-WU, issued September 27, 1999, in Docket No. 981343-WU; and Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS.

Our staff from the Divisions of Economic Regulation and Legal Services advise us that they have spent approximately 205 hours on this application. The time spent predominantly involved a thorough analysis of the appropriateness of the utility's application for a limited proceeding for the Seven Springs water system. We also note that the 205 hours does not include time that we have spent on this docket, nor the time spent by our aides, and by our Commission Clerk and Administrative Services' personnel. Based on the above, we find that the time and effort spent on this docket is significant. Therefore, the utility's Motion for Refund of the Filing Fee is denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Aloha Utilities, Inc.'s, Motion for Refund of the Filing Fee is hereby denied. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 3rd
day of July, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

RRJ

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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule

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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 the Commission Clerk and Administrative Services 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.