

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate  
increase in Monroe County by Key  
Haven Utility Corporation.

DOCKET NO. 020344-SU  
ORDER NO. PSC-03-0621-FOF-SU  
ISSUED: May 22, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER FINALIZING PROPOSED AGENCY ACTION ORDER, CANCELING ESCROW  
ACCOUNT, AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Key Haven Utility Corporation (Key Haven or utility) is a Class B wastewater utility providing service to 418 residential customers and one general service customer in Monroe County, Florida. On September 26, 2002, the utility satisfied the minimum filing requirements for a general rate increase, pursuant to Sections 367.081 and 367.082, Florida Statutes, and requested that this Commission process this case under the proposed agency action (PAA) procedure.

By Order No. PSC-02-1720-PCO-SU, issued December 9, 2002, we approved an interim revenue requirement of \$296,454 on an annual basis. This resulted in an increase of \$55,347, or 22.96%, which was applied to the utility's existing flat rates. The interim increase was made subject to refund with interest, pending the conclusion of this proceeding, and was secured by an escrow account.

By Proposed Agency Action Order No. PSC-03-0351-PAA-SU (PAA Order), issued March 11, 2003, we approved increased service rates and charges. However, that PAA Order determined that the revenues

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from the interim rates resulted in an immaterial amount of overearnings of .68%. By the PAA Order, we directed the utility to credit this overearnings amount, plus interest, to their Contributions in Aid of Construction (CIAC) account. This Order also authorized the release and closing of the escrow account upon the issuance of a Consummating Order, barring a protest from a substantially affected party.

On April 1, 2003, the Office of Public Counsel (OPC) filed its timely protest of the PAA Order, pursuant to Section 120.80(13), Florida Statutes, and Rule 28-106.201, Florida Administrative Code. Based on this protest, the PAA Order did not become final, and a formal hearing was scheduled for July 8 and 9, 2003. However, on April 15, 2003, OPC filed a Notice of Withdrawal of Protest to Proposed Agency Action (Notice of Withdrawal) in Docket No. 020344-SU.

This Order acknowledges the filing of that Notice of Withdrawal. We have jurisdiction pursuant to Section 367.081, Florida Statutes.

#### WITHDRAWAL OF PROTEST

As stated above, on April 1, 2003, the OPC filed its protest of PAA Order No. PSC-03-0351-PAA-SU. However, on April 15, 2003, the OPC filed its Notice of Withdrawal. Therefore, we acknowledge OPC's withdrawal of its protest. Moreover, there no longer being a protest, and the time for any protest having expired, we find that the provisions of Order No. PSC-03-0351-PAA-SU shall be made final and effective on May 6, 2003, the day of our vote.

With the finalization of Order No. PSC-03-0351-PAA-SU, the funds from the escrow account may be released and the escrow agreement shall be cancelled, and the docket shall be closed.

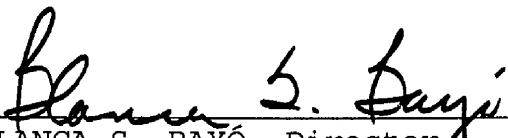
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of the Office of the Public Counsel's objection is acknowledged, and the provisions of Order No. PSC-03-0351-PAA-SU are made final and effective as of May 6, 2003. It is further

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ORDERED that the escrow account shall be canceled, and the docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of May, 2003.

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

( 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

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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 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.