

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 347-W to add territory in Marion County by Marion Utilities, Inc. | DOCKET NO. 060806-WU
ORDER NO. PSC-07-0326-FOF-WU
ISSUED: April 16, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN

ORDER ACKNOWLEDGING WITHDRAWAL OF AMENDMENT APPLICATION AND
REFUNDING FILING FEE

BY THE COMMISSION:

Background

Marion Utilities, Inc. (Marion or utility) filed its application for amendment of certificate on December 18, 2006. Marion County objected to the notice of application, and the utility requested that its application be withdrawn and its filing fee be refunded. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

Acknowledgement of Withdrawal and Refund of Filing Fee

Along with the application filed December 18, 2006, the utility paid a \$100 filing fee in accordance with Rule 25-30.020, Florida Administrative Code. When Marion County objected to the notice of application, the utility filed two letters which, respectively, withdrew its request for amendment and requested a refund of the 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 our staff has devoted to processing the utility's application. In cases where our staff has not yet committed significant time and effort, such as where only the Case Assignment and Scheduling Record (CASR) has been established, this Commission has refunded the utility's application fee.¹

¹ See Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU; In re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc.; and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.; 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; In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; and Order No. 19133, issued April 12, 1988, in Docket No. 871326-

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FPSC-COMMISSION CLERK

However, where our staff has devoted a significant amount of time in processing the application, we have denied the refund of the filing fee.² In this docket, our staff has expended a minimal amount of time in preparing only a CASR and the recommendation for a refund of the filing fee. Thus, we find that Marion's withdrawal of its application for amendment of Certificate No. 347-W shall be acknowledged, and the request for a refund of the filing fee is approved.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of the Application for Amendment of Certificate 347-W filed by Marion Utilities, Inc. is hereby acknowledged. It is further

ORDERED that the request for refund of the filing fee of \$100 is approved, and the filing fee shall be refunded. It is further

ORDERED that because no further action is required, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 16th day of April, 2007.



ANN COLE
Commission Clerk

(S E A L)

RRJ

SU directing that the filing fee be refunded, as virtually no Commission staff time or resources had been expended; In re: Objection of Highlands Utilities Corporation to notice of C & H Utilities Corporation of application to amend Certificate No. 423-S in Highlands County; and application of C & H Utilities Corporation for amendment of Certificate No. 423-S in Highlands County.

² See Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS; In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; and Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS; In re: Application for transfer of Certificates Nos. 326-W and 274-S in Volusia County from Pine Island Utility Corporation to Landis Enterprises, Inc.

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 Office of Commission Clerk, 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 Office of Commission Clerk 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.