

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Lori Booker) DOCKET NO. 960834-WU
against Utilities, Inc. of) ORDER NO. PSC-96-1520-FOF-WU
Florida regarding reclaimed) ISSUED: December 13, 1996
water in Seminole County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACKNOWLEDGING WITHDRAWAL OF COMPLAINT AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On May 31, 1996, our Division of Water and Wastewater received a telephone inquiry and facsimile from a water customer of Utilities, Inc. of Florida (UIF or utility), concerning the customer's difficulty in obtaining reclaimed water service. UIF is a Class A utility which provides water and wastewater service to plants in Marion, Orange, Pasco, Pinellas, and Seminole Counties. The customer's property lies within UIF's water service area in Seminole County, in which area UIF does not provide reclaimed water service.

The customer advised us that the City of Altamonte Springs (City) owns a reclaimed water line on what is now her property. She contacted the City to request connection of her irrigation system to the reclaimed water line, but was told that the City would not serve her unless she first obtained UIF's permission. Although UIF does not provide reuse service in the area, it refused to give its permission for the requested connection, claiming that it would impact the company's profit potential and require the utility to apply to us for a rate increase. The customer expressed concern about having to incur unnecessary installation costs to connect to a system which depletes the fresh water supply. She stated that if UIF were to service her property with reclaimed water in the future, she would immediately transfer her connection to the utility.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

By letter dated June 7, 1996, UIF responded to the customer's concerns, confirming that it denied her request to connect to the City's reclaimed water line. According to the utility, it denied this request due to the potential impact it would have on the rates of all of its customers, the majority of whom are not in proximity to the City's reuse line.

On July 12, 1996, the customer filed a written complaint with our Division of Consumer Affairs, requesting that a docket be opened to address whether UIF could lawfully preclude the City from providing her with reclaimed water service. On July 16, 1996, the Division of Water and Wastewater opened this docket.

WITHDRAWAL OF COMPLAINT

Through several contacts with the City, we have learned that regardless of whether UIF were to allow it to do so, the City would not provide reclaimed water service to the UIF customer's property because the property lies outside of the City limits. Therefore, there is no existing dispute between UIF and the City as to whether the City may provide the customer with reuse service.

In light of this information, by letter dated September 23, 1996, our staff informed the customer that we would close her complaint against UIF unless she were to contact this Commission by October 16, 1996. Although she did not contact us by that date, she returned a staff telephone call on October 28, 1996. During that conversation, the customer indicated that she understands that there is no existing dispute between UIF and the City which prevents the City from providing her with reuse service. She also indicated that she understands that she may file a new complaint in the future if she is successful in convincing the City to provide her with reuse service and if UIF continues to refuse to permit the City to do so. She therefore agreed to withdraw her complaint against UIF.

Based on the foregoing, we hereby acknowledge the withdrawal of the customer's complaint against UIF. Moreover, because no action or inaction by UIF would impact upon the customer's ability to receive reuse service from the City, and because we lack the legal authority to resolve her dispute with the City, we find that no further action is necessary in this docket. Therefore, the docket shall be closed.

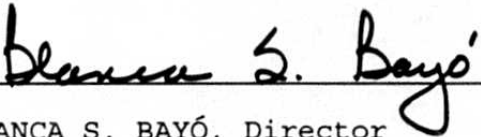
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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of the customer's complaint against Utilities, Inc. of Florida is hereby acknowledged. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of December, 1996.



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 120.59(4), 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.