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January 17, 1997

RECEIVED

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Florida Public Service Commission  
Clerk of Water/ Sewer Section  
2540 Shumard Oak Boulevard  
Gunter Building  
Tallahassee, Florida 32399-0850

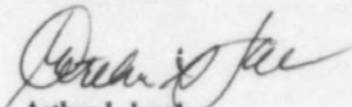
Florida Public Service Commission  
Division of Water and Wastewater

Dear Sir:

(961529-WW)

Enclosed herewith please find a Petition for Waiver of Rule 25-30.320(2)(g) Florida Administrative Code. Should you have any questions, please do not hesitate to contact me.

Yours sincerely,



Arthur I. Jacobs  
General Counsel  
Florida Public Utilities Company

AJJ/bs

Enclosure

cc: Margaret E. O'Sullivan

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 1 \_\_\_\_\_  
LIN 5 \_\_\_\_\_  
OPC \_\_\_\_\_  
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SEC 1 \_\_\_\_\_  
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DOCUMENT NUMBER - DATE

00866 JAN 23 97

FPSC-RECORDS/REPORTING

BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Request for approval of )  
Florida Public Utilities Company )  
entering into agreement with City )  
of Fernandina Beach revising Tariff )  
to allow for the discontinuance of )  
water service of any customer owing )  
unpaid sewer bills to the City of )  
Fernandina Beach pursuant to )  
Section 159.18(2), Florida Statutes. )  
\_\_\_\_\_ )

DOCKET NO.

FILED:

**PETITION FOR WAIVER OF**  
**RULE 25-30.320(2)(g) FLORIDA ADMINISTRATIVE CODE**

Petitioner, FLORIDA PUBLIC UTILITIES COMPANY (F.P.U.C.) is a water utility located at 911 South 8th Street, Fernandina Beach, Nassau County, Florida, phone number (904) 277-1957, fax number (904) 261-3666, by and through its undersigned attorney, hereby petitions the Public Service Commission to waive Rule 25-30.320(2)(g). This rule was enacted pursuant to chapter 367.121(1)(2).

Chapter 159.18(2), Florida Statutes, provides as follows:

2) Any municipality shall have power to enter into valid and legally binding contracts with any person, public or private corporation, board or other body supplying water to any premises served by the sewer system or facilities of the municipality for the shutting off and discontinuing of its supply of water to such premises as long as the charges for the sewer services or the facilities of the municipality are unpaid ...

The City of Fernandina Beach supplies sewer services to those persons receiving water services from F.P.U.C. The City of Fernandina Beach has granted to F.P.U.C. a franchise to operate in this area. The City of Fernandina Beach and F.P.U.C. seek approval of this Commission to enter into an agreement whereby if sewer bills are unpaid the F.P.U.C., upon request of the City, may shut

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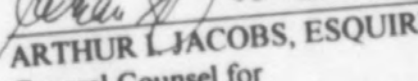
FPSC-RECORDS/REPORTING

off the water supply until the bills are paid. This would be a revision of their Tariff at the to become third revised sheet No. 15 dated June 28, 1993 adding Section 13.B.(5).

The City of Fernandina Beach has total control over the water/sewer operations within the confines of this city. They have chosen to grant a franchise of the rights to the water to a private company, Petitioner F.P.U.C. This relationship between the City and the Petitioner creates an affiliation because of the retention of contractual rights by the City with Petitioner they act in concert in the supplying of these services. Waiver of this rule would not necessarily go against the dictates of Chapter 367.121(1)(a) and would be in concert with Chapter 159.18(2). Therefore this waiver would serve the underlying purposes of the chapter from which this rule was promulgated. This waiver is intended to be temporary only throughout the life of the attached contract with which the City wishes to enter into with the Petitioner.

Wherefore, the Petitioner respectfully requests that the Public Service Commission hereby waive Rule 25-30.320(2)(g). By filing this request for waiver the Petitioner waives the sixty (60) day time limit in its earlier filed request for approval for the signing of the attached contract with the City of Fernandina Beach and would waive any other time requirements so that the Public Service Commission might adequately examine and render its order for this requested waiver.

Respectfully submitted,

  
ARTHUR L. JACOBS, ESQUIRE  
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