

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of )  
ALAFAYA UTILITIES, INC. )  
for approval of reuse project )  
plan in Seminole County, Florida. )

Docket No. 96028-SU <sup>8</sup>

MOTION FOR IMPLEMENTATION  
OF INTERIM RATES

ALAFAYA UTILITIES, INC. ("Alafaya"), by and through its undersigned attorneys and pursuant to Section 367.082, Florida Statutes, and Rule 25-22.037(2), Florida Administrative Code, requests that this Commission enter an Order allowing Alafaya to collect the rates and charges as set forth in the Proposed Agency Action Order issued in this Docket, Order No. PSC-98-0391-FOF-SU, and in support thereof states:

1. On March 6, 1998, this Commission issued Order No. PSC-98-0391-FOF-SU which was a Notice of Proposed Agency Action Order Approving Reuse Project Plan and Reuse Rates and Charges ("PAA Order").

2. On the last day for protesting the PAA Order. April 6, 1998, two developers filed a Petition for Formal Administrative Hearing.

3. Alafaya filed a Motion to Dismiss the Petition for Formal Administrative Hearing on April 17, 1998 since the substance of the Petition was insufficient to establish that the substantial interests of those developers were affected by the PAA Order. The 1 developers have failed to file any response to the Motion to Dismiss within the time prescribed by Commission Rules.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 1 \_\_\_\_\_  
LIN 3 \_\_\_\_\_  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
05042 MAY-58  
FPSC-RECORDS/REPORTING

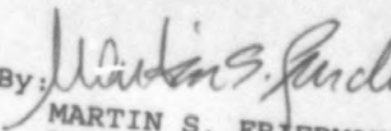
4. The Commission has established a CASR based upon the protest of the PAA Order which has an anticipated date of March 8, 1999 for the issuance of a Final Order.

5. Since a Final Order is not expected to be issued for ten months, it is appropriate for the Commission to approve the reuse rates and charges as set forth in the PAA Order on an interim basis, subject to refund, and with appropriate security. To allow customers to connect to Alafaya's wastewater system with paying the increase in service availability charges would adversely affect the establishment of the amount of the increase necessary for Alafaya to recover 75% of the cost of the reuse system.

WHEREFORE, Alafaya requests this Commission enter an Order allowing Alafaya to implement the reuse rates and charges as set forth in the PAA Order on an interim basis subject to refund, and with appropriate security.

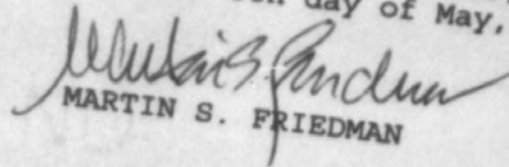
Respectfully submitted on this  
5th day of May, 1998, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
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(850) 656-4029 FAX

By:   
MARTIN S. FRIEDMAN  
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Dismiss has been forwarded via U.S. Mail to Roseanne Gervasi, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and Jacob D. Varn, Esquire, Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., P.O. Box 11240, Tallahassee, FL 32302 this 5th day of May, 1998.

  
MARTIN S. FRIEDMAN

CAPITOL BC

25% COTTON

50% RECYCLED

