



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: June 24, 1998

TO: JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON, COMMISSIONER
SUSAN F. CLARK, COMMISSIONER
JOE GARCIA, COMMISSIONER
E. LEON JACOBS, COMMISSIONER
BILL TALBOTT, EXECUTIVE DIRECTOR
JAMES WARD, DEPUTY EXECUTIVE DIRECTOR/ADM.
MARY BANE, DEPUTY EXECUTIVE DIRECTOR/TECH.
ROB VANDIVER, GENERAL COUNSEL
DAVID SMITH, DIRECTOR OF APPEALS
NOREEN DAVIS, DIRECTOR OF LEGAL SERVICES
TIM DEVLIN, DIRECTOR OF AUDITING & FINANCIAL ANALYSIS
WALTER D'HAESELEER, DIRECTOR OF COMMUNICATIONS
JOE JENKINS, DIRECTOR OF ELECTRIC & GAS
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DAN HOPPE, DIRECTOR OF RESEARCH & REGULATORY REVIEW
BLANCA BAYO, DIRECTOR OF RECORDS & REPORTING
CHUCK HILL, DIRECTOR OF WATER & WASTEWATER

950387-SU

FROM: DIANA W. CALDWELL, DIVISION OF APPEALS
RE: FLORIDA CITIES WATER CO. V. FLORIDA PUBLIC SERVICE COMMISSION,
CASE NO. 98-1833, PETITION FOR REVIEW OF NON-FINAL AGENCY ACTION

In a per curium decision, the First DCA denied Florida Cities Water Company's Petition for Non-final Agency Action. In its petition, Florida Cities appeal Order No. PSC-98-0509-PCO-SU, in which the Commission scheduled a hearing to take testimony and evidence on the issue of what flows should be used in the numerator of the used-and-useful equation when the DEP permits a wastewater plant on the basis of annual average daily flows.

A copy of the opinion is attached.

DWC

Attachment

C: All attorneys
Marshall Willis
Bill Lowe
Tom Walden

DOCUMENT NUMBER+DATE

06664 JUN 24 98

PSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMM.
DIVISION OF APPEALS

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FLORIDA CITIES WATER COMPANY,
Petitioner,

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION AND
DISPOSITION THEREOF IF FILED.

v.

CASE NO. 98-1833

STATE OF FLORIDA, FLORIDA
PUBLIC SERVICE COMMISSION,
Respondent.

Opinion filed June 17, 1998.

Petition for Nonfinal Agency Action -- Original Jurisdiction.

Wayne L. Schiefelbein, Esquire, B. Kenneth Gatlin, Esquire, and
Kathryn G.W. Cowdery, Esquire, of Gatlin, Schiefelbein & Cowdery,
Tallahassee, for petitioner.

No appearance for respondent.

PER CURIAM.

DENIED. Medivision, Inc. v. Department of Health &
Rehabilitative Services, 488 So. 2d 886 (Fla. 1st DCA 1986);
Continental Equities, Inc. v. Jacksonville Transportation
Authority, 558 So. 2d 154 (Fla. 1st DCA 1990).

BOOTH, VAN NORTWICK and PADOVANO, JJ., concur.