



Public Service Commission

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

DATE: September 17, 1998
TO: Division of Records and Reporting
FROM: Division of Legal Services (Vaccaro) *N*
RE: Docket No. 980-483-WU - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

Please file the attached Certificate of Service with attachments, dated September 15, 1998, in the docket file for the above-referenced docket.

TV/dr

cc: Division of Water and Wastewater (Austin)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LES _____
- LIN _____
- OPC _____
- RCH _____
- SEC /
- WAS _____
- TTT _____

DOCUMENT NUMBER - DATE

10254 SEP 17 88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into)
possible overcollection of)
Allowance for Funds Prudently)
Invested (AFPI) in Lake County)
by Lake Utility Services, Inc.)
_____)

DOCKET NO. 980483-WU

Submitted for Filing:
September 15, 1998

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, based upon receipt of the attached letter by facsimile from the PSC Staff Attorney on September 14, 1998, a true and correct copy of the testimony and exhibits of Carl Wenz has been sent to Ms. Kathy Shutts, 12906 Anderson Hill Rd., Clermont, FL 34711; Ms. Sandy Baron, 12838 Anderson Hill Rd., Clermont, FL 34711; and to *Tim Vaccaro, Esq., Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, by U.S. Mail (or by hand delivery * or by facsimile #) this 15th day of September 1998.

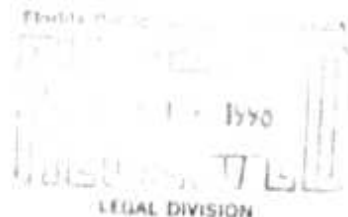
If the two protestants are to be parties to this proceeding, the utility requests that the governing rules of procedure be followed and that copies of all pleadings, prefiled testimony, exhibits or other documents filed by them in this cause be served directly on the undersigned attorney for the utility. Filing with the Public Service Commission or service on a Commission employee does not constitute notice to, or service on, the utility.



Ben E. Girtman
FL BAR NO. 186039
1020 E. Lafayette St.
Suite 207
Tallahassee, FL 32301

Attorney for Utilities, Inc.
and Lake Utility Services, Inc.

* Service by hand delivery on September 11, 1998.



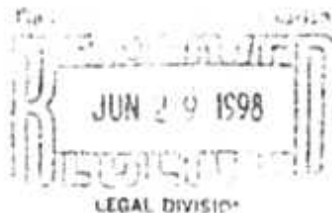
Legal

25 June 1998

Ms. Eleana Bryo
Director, Division of Records and Reporting
2540 Summit Oak Boulevard
Tallahassee, FL 32399-0850

Dear Ms. Bryo:

RE: Docket No. 980483-WJ
Order No. FSC-98-0796-FOF-WJ
Issued: June 8, 1998



We would like to protest the above order. Please let this serve as our petition to file a protest in the above order and we ask for a formal hearing on this matter under Florida Statutes 120.57.

We protest the Order No. 980483-WJ and do not agree with the Florida Public Service Commission's order that Lake Utility Services, Inc. record all AFPI's collected beyond 106 ERC's be recorded as CIAC's.

We agree with staff's finding that the utility's tariff for AFPI was approved only for 106 ERCs. Pursuant to Section 367.091(3), Florida Statutes provides that a utility may only impose and collect those rates and charges approved by the Commission for the particular class of service involved and a change in any rate schedule may not be made without Commission approval. The collection of the AFPI charge for the 107th ERC and above is not consistent with the Commission approved tariff and the statute. Therefore, we agree with staff's belief that the utility should refund the AFPI collected beyond the 106th ERC. We are only two parties of the many that were charged incorrectly for the AFPI and we ask for a refund of the AFPI charge.

We await your reply.

Sincerely,

Kathy Shurts

Kathy Shurts
12906 Anderson Hill Road
Clemat, FL 34711

Sandy Barron

Sandy Barron
12838 Anderson Hill Road
Clemat, FL 34711

ks

Enclosures - 12 copies to be distributed to appropriate parties.

DOCUMENT NUMBER-DATE

00788 JUN 26 98

FLORIDA PUBLIC SERVICE COMMISSION

Date: 9/14/98

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO:
Ben Girtman

Fax: 656-3233

FROM:
Tim Vaccaro

Fax:

Telephone:

NUMBER OF PAGES:
(including cover page)
2

Note:

BEN E. GIRTMAN

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