

STATE OF FLORIDA

Commissioners:
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DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
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Public Service Commission

February 4, 1999

TO: CHAIRMAN JOE GARCIA
FROM: BILL LOWE, ASSISTANT DIRECTOR, DIVISION OF WATER AND WASTEWATER *bl*
RE: DEFERRED FILING OF RECOMMENDATION ON EMERGENCY MOTION IN DOCKET NO. 981781-SU, APPLICATION FOR AMENDMENT OF CERTIFICATE NO. 247-S TO EXTEND SERVICE AREA IN LEE COUNTY BY NORTH FORT MYERS UTILITY, INC.

The staff is requesting that its recommendation on the Emergency Motion by North Fort Myers Utility (NFMU) be delayed until 4:00 p.m., Monday, February 8, 1999, for the February 16, 1999 Agenda Conference. The series of events is as follows:

North Fort Myers Utility (NFMU) interconnected with Buccaneer Utility in Lee County to provide wastewater service in November 1998. Residents were advised that they would begin receiving bills for service starting December 1, 1998, however, the legality of the interconnection and appropriateness of NFMU collecting any revenues from these customers has been protested by the Office of Public Counsel (OPC) in a filing received December 21, 1998. The customers have engaged OPC to represent them, and have been advised not to pay for any service until the Commission makes some finding. Therefore, the current situation is that service is being provided by NFMU and bills are being rendered, but no payment is being made by customers.

The Emergency Motion to Implement Rates and Charges was filed by NFMU on December 7, 1998. Since OPC's response and protest was filed later, the staff has been researching the most appropriate options for its recommendation. Staff requests a delayed filing of its recommendation on the Emergency Motion until 4:00 p.m., Monday, February 8, 1999, for the February 16, 1999 Agenda Conference.

cc: Dr. Mary A. Bane, Deputy Director /Technical
Division of Water and Wastewater (Williams, Messer, Redemann)
Division of Legal Services (Jaber, Ferguson)
Docket file (Records & Reporting)

*OK JEB
2/4/99*

*Given staff's verbal explanation I recommend granting the request
MAB
2/4/99*

DOCUMENT NUMBER - DATE
01447 FEB-4 99
FPSC-RECORDS/REPORTING