

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in Bay County by Bayside Utilities, Inc.

DOCKET NO. 971401-WS  
ORDER NO. PSC-99-0485-FOF-WS  
ISSUED: March 8, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION ON PROPOSED AGENCY ACTION, DECLARING ORDER NO. PSC-98-1269-FOF-WS TO BE FINAL AND EFFECTIVE, RELEASING LETTER OF CREDIT, AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On October 22, 1997, Bayside Utilities, Inc. (Bayside or utility) filed an application for a staff-assisted rate case. Pursuant to this application, we issued Proposed Agency Action (PAA) Order No. PSC-98-1269-FOF-WS on September 24, 1998, proposing to grant increased rates and charges for Bayside. That Order also provided for temporary rates subject to refund in the event of protest of the proposed agency action portion of the Order.

Subsequently, on October 15, 1998, three customers of Bayside timely protested that Order. Based on this protest, Bayside filed a letter of credit in the amount of \$15,953, and implemented the proposed agency action rates as temporary rates subject to refund.

However, on January 21, 1999, the three customers submitted a "Notice of Voluntary Dismissal", in which they state that they, "hereby issue this Notice that they voluntarily withdraw their Protest of PAA Order no. [sic] PSC-98-1269-FOF-WS." This Order addresses the customers' withdrawal of their protest, and the proper disposition of the letter of credit filed by Bayside.

DOCUMENT NUMBER-DATE

02956 MAR-89

FPSC-RECORDS/REPORTING

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WITHDRAWAL OF PETITION ON PROPOSED AGENCY ACTION

As stated above, on January 21, 1999, the three customers submitted a "Notice of Voluntary Dismissal", in which they voluntarily withdrew their Protest of PAA Order No. PSC-98-1269-FOF-WS. We hereby acknowledge the petitioners' Withdrawal of Petition on Proposed Agency Action and declare Order No. PSC-98-1269-FOF-WS to be final and effective on February 16, 1999.

DISPOSITION OF LETTER OF CREDIT

In the event of protest, by Order No. PSC-98-1269-FOF-WS, issued September 24, 1998, we allowed the utility to implement the PAA rates as temporary rates subject to refund, if the utility first provided a letter of credit in the amount of \$15,953. The utility did implement the PAA rates as temporary rates subject to refund, and, in accordance with that Order, the Peoples First Community Bank on behalf of Bayside, provided a letter of credit in the amount of \$15,953.

Based on our acknowledgment of the withdrawal of the protest, and the finality of Order No. PSC-98-1269-FOF-WS, the temporary rates are now final rates and no longer subject to refund. Therefore, the irrevocable letter of credit is no longer needed and shall be released.

CLOSING OF DOCKET

Order No. PSC-98-1269-FOF-WS, allowed for administrative closing of the docket upon our staff's verification that Bayside had removed all non-utility related users from the power meter at the "Eastern" lift station, and installed emergency lights for each lift station. Our staff engineer has verified that this has been done. Also, the utility is in compliance with all other requirements of Order No. PSC-98-1269-FOF-WS. Therefore, no further action is necessary in this docket, and the docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Withdrawal of Petition on Proposed Agency Action is hereby acknowledged. It is further

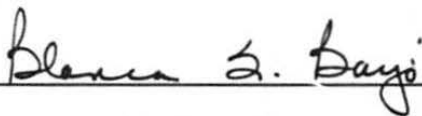
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ORDERED that Order No. PSC-98-1269-FOF-WS is hereby declared to be final and effective as of February 16, 1999. It is further

ORDERED that the irrevocable letter of credit in the amount of \$15,953 provided by Peoples First Community Bank on behalf of Bayside Utilities, Inc., shall be released. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of March, 1999.



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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

RRJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme

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Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.