



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** MARCH 18, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BANK)

**FROM:** DIVISION OF LEGAL SERVICES (VACCARO) *NS*  
DIVISION OF CONSUMER AFFAIRS (DEMELLO) *NS*  
DIVISION OF WATER AND WASTEWATER (FUCHS) *NS*

**RE:** DOCKET NO. 980163-WS - COMPLAINT OF ROBERT AND RUTH LAWRENCE AGAINST TERRA MAR VILLAGE UTILITIES, INC., REGARDING TERMINATION OF WATER AND WASTEWATER SERVICE IN VOLUSIA COUNTY.  
COUNTY: VOLUSIA

**AGENDA:** MARCH 30, 1999 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\980163.RCM

RECORDS AND REPORTING

55 MAR 18 AM 10:42

RECEIVED-FPSC

### CASE BACKGROUND

Terra Mar Village Utilities, Inc. (Terra Mar or utility) is a Class C water and wastewater utility in Volusia County, which currently provides service to approximately 250 water and 253 wastewater customers. On June 19, 1995, pursuant to a staff-assisted rate case, the Commission granted the utility rate relief by Order No. PSC-95-0722-FOF-WS, in Docket No. 941084-WS. On March 6, 1997, the Commission received a written protest of Order No. PSC-95-0722-FOF-WS from Mr. Robert Lawrence, a customer of the utility. On November 24, 1997, the Office of Public Counsel (OPC) submitted additional information from Mr. Lawrence regarding his complaints on actions taken by Terra Mar. OPC, on behalf of Mr. Lawrence, requested that a docket addressing the complaints be opened so that Mr. Lawrence could have an opportunity for a hearing.

DOCUMENT NUMBER-DATE

03491 MAR 18 99

FPSC-RECORDS/REPORTING

Mr. Lawrence protested the PAA Order with regard to findings related to the disconnection of his water and wastewater service by Terra Mar. Mr. Lawrence alleged that the Commission's findings were not supported by the facts and substantially affected his claim for damages from Terra Mar. Therefore, he requested a hearing to determine whether the disconnection of his water service by Terra Mar on September 27, 1994 was proper.

By Order No. PSC-98-0266-FOF-WS, the Commission dismissed Mr. Lawrence's protest of Order No. PSC-95-0722-FOF-WS finding that it was untimely as filed. Nevertheless, the Commission ordered that a formal complaint docket be opened to address Mr. Lawrence's concerns. Therefore, this docket was opened for that purpose, listing Mr. Lawrence and his wife, Ruth, as the complainants.

On April 14, 1998, staff held an informal meeting with the parties at the Volusia County Public Library, in Edgewater, Florida. The purpose of this was to gather information from the parties and attempt to resolve this matter without further action. In addition to the parties and staff, a representative from OPC and numerous Terra Mar customers were also in attendance. By Order No. PSC-98-1578-PCO-WS, issued November 24, 1998, the Commission found that Terra Mar properly disconnected Mr. and Mrs. Lawrence's water and wastewater service and gave them proper notice of disconnection. By that Order, the Commission also set this matter for hearing.

Because the issues to be decided at hearing were primary factual, this docket was referred to the State of Florida Division of Administrative Hearings (DOAH) on December 14, 1998, for a formal hearing. However, on January 8, 1999, Mr. and Mrs. Lawrence provided DOAH a letter indicating that the Lawrences were withdrawing from any further DOAH proceedings at the advice of their attorneys. Therefore, on January 14, 1999, DOAH entered an order dismissing the Lawrences' complaint, relinquishing jurisdiction to the Commission and closing the DOAH file. Therefore, staff has prepared this recommendation for the Commission to acknowledge the Lawrences' withdrawal and to close this docket. A copy of the DOAH order, which includes a copy of the Lawrences' letter, is attached to this recommendation as Attachment A.

DOCKET NO. 980163-WS  
DATE: MARCH 18, 1999

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge Mr. and Mrs. Lawrences' withdrawal of their complaint against Terra Mar Village Utilities, Inc. and close this docket?

**RECOMMENDATION:** Yes. (VACCARO)

**STAFF ANALYSIS:** Because Mr. and Mrs. Lawrence withdrew their complaint, nothing remains to be done in this docket. Staff, therefore, recommends that the Commission acknowledge their withdrawal and close this docket.

480163-WS  
ORIGINAL

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ROBERT and RUTH LAWRENCE,	)	
	)	
Petitioners,	)	
	)	
vs.	)	Case No. 98-5499
	)	
TERRA MAR VILLAGE	)	
UTILITIES, INC.,	)	
	)	
Respondent.	)	

ORDER CLOSING FILE  
AND RELINQUISHING JURISDICTION


By documentation filed January 11, 1999, Petitioners have withdrawn from any further proceedings in this cause in this forum. A copy of Petitioners' pleading is attached hereto, incorporated by this reference herein and designated as Exhibit A to this order.

In view of the foregoing, it is ORDERED that the file of the Division of Administrative Hearings in this case is closed, further proceedings in this forum are dismissed, and jurisdiction

is relinquished to the referring agency.

DONE AND ORDERED this 13<sup>th</sup> day of January, 1999, in Tallahassee, Leon County, Florida

CK \_\_\_\_\_  
TA \_\_\_\_\_  
JP \_\_\_\_\_  
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EO \_\_\_\_\_  
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TH \_\_\_\_\_

  
 DON W. DAVIS  
 Administrative Law Judge  
 Division of Administrative Hearings  
 The DeSoto Building  
 1230 Apalachee Parkway  
 Tallahassee, Florida 32399-3060  
 (850) 488-9675 SUNCOM 278-9575  
 Fax Filing (850) 921-6847  
 www.doah.state.fl.us

DOCUMENT NUMBER-DATE

00544 JAN 14 99

REGISTRATION UNIT

EDgewater, FLORIDA 32141-7368  
(904) 345-0469  
JANUARY 8, 1999

98-5499 RWD

ATTENTION

ON W. DAVIS, ADMINISTRATIVE LAW JUDGE  
DIVISION OF ADMINISTRATIVE HEARINGS  
THE DESOTO BUILDING  
1230 APALACHEE PARKWAY  
TALLAHASSEE, FLORIDA 32399-3060

99 JAN 11 PM 1:08

SUBJECT : YOUR LETTER OF REQUEST DATE JAN. 5 1999

ANSWER : THE UNDERSIGNED HAD A CONFERENCE WITH OUR LEGAL  
FIRM ON TUESDAY JANUARY 5, 1999 AND THE ATTORNEYS  
PRESENT ADVISED THAT WE WITHDRAW FROM ANY FURTHER  
PROCEEDINGS WITH THE DOAH. OUR FAILING HEALTH  
AND EXCESSIVE COSTS FORCE US TO HEREBY WITHDRAW.

DONE AND ORDERED THIS 8<sup>TH</sup> DAY OF JANUARY, 1999 IN  
VOLUSIA COUNTY, FLORIDA

Robert A Lawrence  
Ruth C Lawrence