

Public Service Commission

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

APR 30 1999  
EXECUTIVE DIRECTOR



**DATE:** April 30, 1999

**TO:** Mary Andrews Bane, Deputy Executive Director/Technical

**FROM:** Mary Anne Helton, Senior Attorney, Division of Appeals *MAH*  
 Connie S. Kummer, Chief of Electric Regulation, Division of *CSK*  
 Electric & Gas  
 Craig B. Hewitt, Economic Analyst, Division of Research & *CBH* *JDJ*  
 Regulatory Review

**RE:** Item No. 4 on 5/4/99 Agenda - Docket No. 990409-EM -  
 Petition by Osceola County to Initiate Rulemaking to amend  
 Rule 25-9.0525, F.A.C., Municipal Surcharge on Customers  
 Outside Municipal Limits

By attached letter dated April 29, 1999, counsel to Osceola County requests that the Commission's decision on Osceola County's Petition to Initiate Rulemaking be deferred from the May 4, 1999, agenda. Since filing the petition, Osceola County has entered negotiations with the Orlando Utilities Commission and the City of St. Cloud. The request for deferral states that Osceola County will inform the Commission by June 1, 1999, whether it will withdraw or go forward with its petition.

Staff concurs with Osceola County's request. Item No. 4 should be deferred until the Commission's June 15, 1999, agenda conference so that Osceola County, OUC, and St. Cloud can continue their negotiations.

Please let us know if you have any questions or if you require any further action from staff concerning this deferral request.

cc: Blanca Bayó  
 Joe Jenkins  
 David Smith  
 Rob Vandiver

*OK 4-29-99*  
*JB*  
*Chairman*

*Chairman Garcia*  
*Please defer item # 4*  
*or it may be preferable if*  
*this item could be settled*  
*between the parties.*  
*+ Bane*  
*MS "T"*

DOCUMENT NO.  
 05510-99  
 4-30-99

05510-99

PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A.  
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REPLY TO:  
P O. BOX 10095  
TALLAHASSEE, FLORIDA 32302-2095

April 29, 1999

Mary Ann Helton, Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 301C  
Tallahassee, Florida 32399-7019

VIA FACSMILE  
AND U.S. MAIL  
1/850-413-7180

Re: Docket No. 990409-EM (Petition to Initiate  
Rulemaking Pursuant to Section 120.54(7), Florida  
Statutes to Amend Rule 25-9.0525, F.A.C.)

Dear Ms. Helton:

Pursuant to our conversation this morning, please consider this letter Osceola County's formal request that the above-referenced matter be deferred for consideration by the Public Service Commission until June 15, 1999. As we discussed, a Chapter 164 Public Hearing was held on this past Tuesday evening in Orlando and attended by members of the Orlando Utilities Commission, the St. Cloud City Council and the Osceola County Commission. At that meeting, the interested parties committed to further negotiations with regard to the matters which led to Osceola County filing the instant petition. Osceola County does not wish to move forward with the referenced matter during the pendency of its negotiations with OUC and the City of St. Cloud.

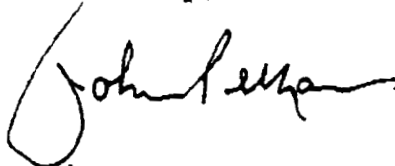
It is my understanding that as a result of this request, this matter will not be heard at the Agenda Conference on May 4, 1999, as previously scheduled. We are hopeful that the scheduled negotiations between Osceola County, City of St. Cloud and OUC will lead to a resolution of this matter as to

Mary Ann Helton, Attorney  
April 29, 1999  
Page Two

these parties. In such event, we would anticipate withdrawing our petition to initiate rulemaking. We will let you know on or before June 1, 1999 whether or not Osceola County desires to go forward with its petition.

If you have any questions regarding anything referenced herein or if Osceola County needs to take any further procedural action to defer consideration of this matter, please let me know. Thank you for your consideration.

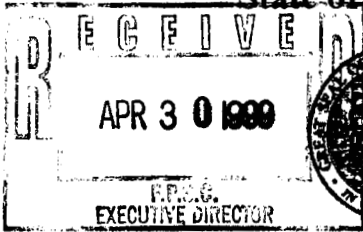
Sincerely,



John C. Pelham

JCP:vhw

cc: Jo O. Thacker, County Attorney  
Blanca Bayo, Director, Div. Of Records and Reporting  
Roy Young, Attorney for OUC  
Thomas Tart, General Counsel for OUC  
Dan Mantzaris, City Attorney



# Public Service Commission

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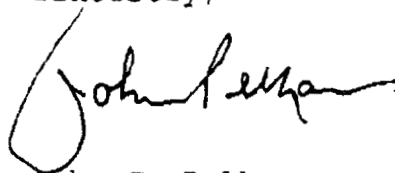
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