



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-

RECEIVED-FPSC
JUN 16 PM 1:45
RECORDS AND REPORTING

DATE: JUNE 17, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF LEGAL SERVICES (CIBULA, VACCARO) *J.M.C.*
DIVISION OF WATER AND WASTEWATER (CLAPP, REDEMANN) *CLAPP*

RE: DOCKET NO. 981637-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 236-W AND 179-S TO EXTEND SERVICE AREA IN ST. JOHNS COUNTY BY UNITED WATER FLORIDA INC.

AGENDA: JUNE 29, 1999 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\981637.RCM

CASE BACKGROUND

On November 18, 1998, United Water Florida Inc. (UWF or utility) filed an application for amendment of Certificates Nos. 236-W and 179-S to extend its service area in St. Johns County. On December 15, 1998, Intercoastal Utilities, Inc. (Intercoastal), timely filed an objection to the utility's amendment application and demanded a formal hearing. On December 17, 1998, St. Johns County (County) submitted a letter that included Resolution No. 98-226, in which the County timely objected to UWF's application. On December 28, 1998, JEA (formerly Jacksonville Electric Authority), timely filed an objection to the amendment application and requested a formal hearing. Accordingly, a hearing was scheduled for June 30 through July 2, 1999. No other protests were filed, and the time for filing such has expired.

On June 7, 1999, UWF filed a notice withdrawing its application to extend its service area. This recommendation

DOCUMENT NUMBER-DATE

~~07299~~ JUN 16 88

FPSC-RECORDS/REPORTING

DOCKET NO. 981637-WS
DATE: JUNE 17, 1999

addresses whether the Commission should acknowledge UWF's notice of withdrawal of its application.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge United Water Florida Inc.'s notice of withdrawal of its application to extend its service area?

RECOMMENDATION: Yes. The Commission should acknowledge United Water Florida Inc.'s notice of withdrawal of its application. If United Water Florida Inc.'s application is acknowledged as withdrawn, the Commission should also find that Intercoastal Utilities, Inc.'s, JEA's, and St. Johns County's protests and requests for hearing are moot. (CIBULA, VACCARO)

STAFF ANALYSIS: As stated earlier, UWF filed a notice withdrawing its application to amend its water and wastewater certificates on June 7, 1999. In the past with cases such as this, the Commission has formally acknowledged such notices of withdrawal. In In Re: Application for amendment of Certificate No. 249-S in Volusia County by North Peninsula Utilities Corporation, Docket No. 930851-SU, Order No. PSC-94-1352-FOF-SU, issued November 7, 1994, the Commission acknowledged the utility's notice to withdraw its application where the utility was not currently serving the additional territory, even though objections to the application were pending. Moreover, in In Re: Application for amendment of Certificate No. 427-W to add territory in Parcels A, B, C, D, and E in Marion County by Windstream Utilities Company, Docket No. 960866-WU, Order No. PSC-97-0095-FOF-WU, issued January 27, 1997, the Commission acknowledged the utility's notice to withdraw its application, despite pending objections, where the Commission had not yet taken any action on the application. Furthermore, in In Re: Application by Rampart Utilities, Inc. for amendment of Certificate No. 497-S in Charlotte County to extend territory to service San Antonio Catholic Church, Docket No. 980887-SU, Order No. PSC-99-0025-FOF-SU, issued January 4, 1999, the Commission acknowledged the withdrawal of the utility's application, despite a pending objection, where the Commission had not yet taken action on the utility's application and the utility was not currently serving the requested territory.

This Commission has not yet taken action on UWF's application for amendment. Moreover, UWF is not currently serving the requested territory. Also, a letter, dated April 15, 1999, and contract, dated April 13, 1999, submitted by the County indicate that the developer who originally requested service from UWF and whose request for service was the basis for UWF's amendment

DOCKET NO. 981637-WS
DATE: JUNE 17, 1999

application, has withdrawn its application for service from UWF and has entered into a contract with the County for service. Therefore, withdrawal of UWF's application will not impair water and wastewater service to the developer.

Thus, staff recommends that the Commission acknowledge UWF's notice of withdrawal of its application for amendment of its water and wastewater certificates in St. Johns County. As a consequence of acknowledging the withdrawal of UWF's application, staff recommends that the Commission should also find that Intercoastal's, JEA's, and the County's protests to UWF's application and requests for formal hearing are moot. The Chairman's Office has cancelled the June 16, 1999, prehearing and the June 30 through July 2, 1999, hearing.

DOCKET NO. 981637-WS
DATE: JUNE 17, 1999

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If staff's recommendation in Issue 1 is approved, this docket should be closed because no further action is required. (CIBULA, VACCARO)

STAFF ANALYSIS: If staff's recommendation in Issue 1 is approved, this docket should be closed because no further action is required.