

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer
of Certificate Nos. 469-W and
358-S in Bay County from Bayside
Utilities, Inc. to Bayside
Utility Services, Inc.

DOCKET NO. 981403-WS
ORDER NO. PSC-99-1597-FOF-WS
ISSUED: August 16, 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 PROTEST

BY THE COMMISSION:

On October 26, 1998, Utilities, Inc., filed an application for transfer of Certificates Nos. 469-W and 358-S from Bayside Utilities, Inc. (Bayside Utilities) to Bayside Utility Services, Inc. (Bayside Utility Services) pursuant to Section 367.071, Florida Statutes. Bayside Utility Services is a wholly-owned subsidiary of Utilities, Inc.

On November 12, 1998, three customers timely filed a letter objecting to the application. Because the customers did not indicate in the letter whether they were seeking a hearing on the matter, by letter dated November 24, 1998, our staff requested the customer who signed the letter to advise us, in writing, by January 7, 1999, whether the customer(s) intended to pursue the objection through a hearing. By facsimile received on January 7, 1999, signed by all three customers, as well as by a fourth additional customer, the customers indicated that they objected to the transfer application and that they wanted a hearing to be scheduled. Accordingly, a hearing was scheduled for February 2 and 3, 2000.

On January 26, 1999, Utilities, Inc., filed a Motion to Dismiss the Objection and Protest of the four customers. By Order No. PSC-99-0607-PCO-WS, issued April 2, 1999, the Commission denied

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TRUSTEE/CLERK/REPORTING

ORDER NO. PSC-99-1597-FOF-WS
DOCKET NO. 981403-WS
PAGE 2

Utilities, Inc.'s motion. On April 16, 1999, Bayside Utilities timely filed a Motion to Intervene and a Motion for Reconsideration of Order No. PSC-99-0607-PCO-WS. Also, on April 16, 1999, Utilities, Inc., and Bayside Utility Services timely filed a joint Motion for Reconsideration of Order No. PSC-99-0607-PCO-WS, in which they adopted the exhibits and legal arguments set forth in Bayside Utilities' Motion for Reconsideration.

On June 15, 1999, three of the protesting customers filed a letter withdrawing their protest of the transfer application. The letter stated that the fourth protestor is no longer a resident of Florida. Because the fourth protestor is no longer a customer, he no longer has standing to protest the transfer application.

Based on the foregoing, we hereby acknowledge the withdrawal of the protest of Utilities, Inc.'s transfer application. As a consequence of acknowledging the withdrawal of the protest, we find it unnecessary to rule upon Utilities, Inc., and Bayside Utility Services' joint Motion for Reconsideration of Order No. PSC-99-0607-PCO-WS and Bayside Utilities' Motion to Intervene and Motion for Reconsideration of Order No. PSC-99-0607-PCO-WS, as the motions are rendered moot by virtue of the protest withdrawal.

This docket shall remain open pending our action on Utilities, Inc.'s application for transfer of Certificates Nos. 469-W and 358-S from Bayside Utilities to Bayside Utility Services.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of the protest to Utilities, Inc.'s application for transfer of Certificates Nos. 469-W and 358-S from Bayside Utilities, Inc., to Bayside Utility Services, Inc., is hereby acknowledged. It is further

ORDERED that no ruling is necessary on Utilities, Inc., and Bayside Utility Services, Inc.'s joint Motion for Reconsideration of Order No. PSC-99-0607-PCO-WS and Bayside Utilities, Inc.'s Motion to Intervene and Motion for Reconsideration of Order No. PSC-99-0607-PCO-WS, as the motions are rendered moot by virtue of the protest withdrawal. It is further

ORDERED that this docket shall remain open pending this Commission's action on Utilities, Inc.'s application for transfer

ORDER NO. PSC-99-1597-FOF-WS
DOCKET NO. 981403-WS
PAGE 3

of Certificates Nos. 469-W and 358-S from Bayside Utilities, Inc.,
to Bayside Utility Services, Inc.

By ORDER of the Florida Public Service Commission this 16th
day of August, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

SMC

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 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,

ORDER NO. PSC-99-1597-FOF-WS
DOCKET NO. 981403-WS
PAGE 4

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.