



# Public Service Commission

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

RECORDS AND REPORTING

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RECEIVED-PPSC

**DATE:** AUGUST 19, 1999

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

**FROM:** DIVISION OF LEGAL SERVICES (CIBULA) *SMC*  
DIVISION OF WATER AND WASTEWATER (REHWINKEL, BUTTS, DAVIS, GOLDEN) *BP BW*

**RE:** DOCKET NO. 981198-WS - APPLICATION FOR STAFF-ASSISTED RATE CASE IN HIGHLANDS COUNTY BY DAMON UTILITIES, INC. *AM*

**AGENDA:** AUGUST 31, 1999 - REGULAR AGENDA - DECISION PRIOR TO HEARING - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** 15-MONTH EFFECTIVE DATE: FEBRUARY 22, 2000 (SARC)

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\981198.RCM

### CASE BACKGROUND

On September 22, 1998, Damon Utilities, Inc. (Damon or utility) filed an application for a staff-assisted rate case pursuant to Section 367.0814, Florida Statutes. On June 21, 1999, the Commission issued Proposed Agency Action Order No. PSC-99-1223-PAA-WS, approving Damon's increased water and wastewater rates and charges.

On July 12, 1999, a Protest of Proposed Agency Action and Request for Hearing was timely filed by the Office of Public Counsel (OPC) on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association. Also, on July 12, 1999, OPC timely filed Citizens' Petition for Formal Hearing. Accordingly, this matter was scheduled for an administrative hearing on October 21 and 22, 1999.

On August 11, 1999, a Withdrawal of Protest of Proposed Agency Action and Request for Hearing was filed by OPC on behalf of Mr.

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Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association. Also, on August 11, 1999, OPC filed its Withdrawal of Citizens' Petition for Formal Hearing.

This recommendation addresses whether the Commission should acknowledge the protest withdrawals and make Order No. PSC-99-1223-PAA-WS final and effective August 31, 1999.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge the Withdrawal of Protest of Proposed Agency Action filed by OPC on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association and the Withdrawal of Citizens' Petition for Formal Hearing filed by OPC and make Order No. PSC-99-1223-PAA-WS final and effective August 31, 1999?

**RECOMMENDATION:** Yes. The Commission should acknowledge the Withdrawal of Protest of Proposed Agency Action filed by OPC on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association and the Withdrawal of Citizens' Petition for Formal Hearing filed by OPC. The Commission should make Order No. PSC-99-1223-PAA-WS final and effective August 31, 1999. (CIBULA, REHWINKEL)

**STAFF ANALYSIS:** As stated in the case background, on July 12, 1999, a Protest of Proposed Agency Action and Request for Hearing was filed by OPC on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association. Also, on July 12, 1999, OPC filed Citizens's Petition for Formal Hearing. On August 11, 1999, both protests and requests for hearing were withdrawn.

Staff notes that although Order No. PSC-99-1223-PAA-WS allowed Damon, in the event of a protest, to implement the rates and charges set forth in that Order as temporary rates held subject to refund, Damon chose not to do so. Thus, there is no action that needs to be taken with respect to any temporary rates held subject to refund.

Staff recommends that the Commission acknowledge the Withdrawal of Protest of Proposed Agency Action filed by OPC on behalf of Mr. Jack C. Hughson, Jr., and the Casa Del Lago Condominium Association and the Withdrawal of Citizens' Petition for Formal Hearing filed by OPC. Staff also recommends that the Commission should make Order No. PSC-99-1223-PAA-WS final and effective August 31, 1999.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** No. Order No. PSC-99-1223-PAA-WS allowed for the administrative closing of this docket upon Commission staff's verification that the utility has taken certain action, pursuant to that Order, with regard to maintaining its books and records and service availability charges and to refunding certain service availability charges. Staff has not yet verified this information; therefore, this docket should remain open. (CIBULA, REHWINKEL)

**STAFF ANALYSIS:** Order No. PSC-99-1223-PAA-WS allowed for the administrative closing of this docket upon Commission staff's verification that the utility has taken certain action, pursuant to that Order, with regard to maintaining its books and records and service availability charges and to refunding certain service availability charges. Staff has not yet verified this information; therefore, this docket should remain open.