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REPORTING

October 8, 1999

ORIGINAL

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Petition for limited proceeding to implement two-step increase in wastewater rates in Pasco County by Lindrick Service Corporation; Docket No. 980242-SU

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of a Motion for Order Requiring Refunds With Interest For Collecting Unlawful Rates for filing in the above referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Burgess
Deputy Public Counsel

- AFA 1 SCB/dsb
- APP _____ Enclosures
- CAF _____
- CMU _____
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding to)
implement two-step increase in wastewater)
rates in Pasco County by Lindrick Service)
Corporation.)
_____)

DOCKET NO. 980242-SU
FILED: October 8, 1999

**MOTION FOR ORDER REQUIRING REFUNDS
WITH INTEREST FOR COLLECTING UNLAWFUL RATES**

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to Rule 28-106.204, Florida Administrative Code, move the Florida Public Service Commission for entry of an order directing Lindrick Service Corporation to refund with interest all revenues collected by applying increased rates to usage prior to the effective dates authorized by the Commission, and as grounds therefor, state:

1. Lindrick was authorized, pursuant to Order No. PSC-99-1010-PCO-SU, issued May 20, 1999, to impose an emergency temporary rate increase for service rendered on and after May 27, 1999. Lindrick, however, applied the new, higher emergency rates to service rendered prior to May 27, 1999.

2. Lindrick was later authorized, pursuant to Order No. PSC-99-1883-PAA-SU, issued September 21, 1999, to increase wastewater rates for service rendered on or after the stamped approval date on the tariff, provided customers had received adequate notice. Order No. 99-1883, at page 41. The seventh ordering paragraph of Order No. 99-1883 provided that tariff sheets could not be approved until: (1) staff verified the tariff pages were consistent with the Commission's decision; (2) the protest period had expired; (3) the customer notice was determined to have been adequate; and (4) any required security had been provided. The protest period will not expire until October 12, 1999. Tariff sheets should not bear an earlier approval date. Lindrick, however, in its

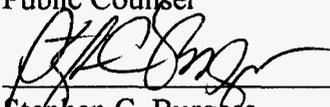
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customer notice stated that the rate increase was effective for service on or after October 1, 1999. This date is clearly contrary to language within both the body and the ordering paragraphs of Order No. 99-1883. Lindrick has acted in violation of even that date by applying increased charges to service rendered prior to October 1, 1999. For example, customers billed for service from August 24, 1999, through September 24, 1999, were billed at the higher rate.

WHEREFORE, the Citizens of the State of Florida, through the Office of Public Counsel, move the Florida Public Service Commission to order Lindrick Service Corporation to refund, with interest, all revenues collected as a result of the imposition of unlawful rates on bills covering usage before the effective date of Commission orders.

Respectfully submitted,

JACK SHREVE
Public Counsel



Stephen C. Burgess
Deputy Public Counsel

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Attorneys for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 980242-SU**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing MOTION FOR ORDER REQUIRING REFUNDS WITH INTEREST FOR COLLECTING UNLAWFUL RATES has been furnished by hand-delivery* or U.S. Mail to the following parties of record this 8th day of October, 1999.

Ralph Jaeger, Esquire*
Division of Legal Services
Florida Public Service Commission
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Tallahassee, FL 32399-0850

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Lindrick Service Corporation
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New Port Richey, FL 34656-1176

Representative Heather Fiorentino
6231 Grand Boulevard
New Port Richey, FL 34652



Stephen C. Burgess
Deputy Public Counsel