

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in Polk County by Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities.

DOCKET NO. 990356-WS
ORDER NO. PSC-00-0681-FOF-WS
ISSUED: April 12, 2000

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST AND DECLARING
ORDER NO. PSC-99-2394-FOF-WS FINAL AND EFFECTIVE

BY THE COMMISSION:

Background

On March 18, 1999, Bieber Enterprises, Inc. d/b/a/ Breeze Hill Utilities (Breeze Hill or utility) filed an application for a staff-assisted rate case. The official date of filing was established as May 16, 1999.

On December 7, 1999, we issued Proposed Agency Action (PAA) Order No. PSC-99-2394-FOF-WS, granting increased rates and charges for Breeze Hill. By that Order, we also provided for temporary rates subject to refund in the event of protest of the proposed agency action portion of the Order.

Subsequently, on December 22, 1999, two customers of Breeze Hill timely protested PAA Order No. PSC-99-2394-FOF-WS. The customers alleged that the utility's operating expenses were overstated, that its rate base was overstated, and that the approved rates were excessive. Accordingly, this matter was set for an administrative hearing.

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FPSC-RECORDS/REPORTING

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Pursuant to the provisions of PAA Order No. PSC-99-2394-FOF-WS, Breeze Hill filed a letter of credit in the amount of \$28,129, and implemented the PAA rates as temporary rates subject to refund. The utility also filed its prefiled testimony on January 28, 2000, as required by the Order Establishing Procedure, Order No. PSC-00-0116-PCO-WS, issued January 12, 2000, in this docket.

Withdrawal of Protest

On March 15, 2000, the protesting customers filed a Withdrawal of Formal Hearing Request, withdrawing their protest of PAA Order No. PSC-99-2394-FOF-WS. Since the protest withdrawal was signed by only one of the two protesters, our staff contacted the other protester by telephone on March 22, 2000, to verify that he also wishes to withdraw the protest.

Based upon the foregoing, we acknowledge the customers' withdrawal of protest and declare Order No. PSC-99-2394-FOF-WS to be final and effective as of April 4, 2000. Therefore, the temporary rates now in place are final and are no longer subject to refund, and the irrevocable letter of credit filed on behalf of the utility shall be canceled.

This docket shall remain open for 180 days from the issuance date of this Order to verify that the utility has installed: a new 5,000 gallon hydro-pneumatic water tank; a chlorine alarm with automatic switch-over; water meters for all customers; and a blower at the wastewater plant; and that the utility has purchased a back-up motor for the well pump. Once our staff has verified that these actions have been completed, no further action will be necessary in this docket, and the docket shall be closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of protest of Order No. PSC-99-2394-FOF-WS filed in this docket is hereby acknowledged. It is further

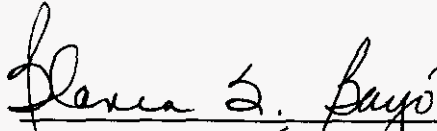
ORDERED that Order No. PSC-99-2394-FOF-WS is hereby declared to be final and effective as of April 4, 2000. It is further

ORDERED that the irrevocable letter of credit filed in this docket shall be canceled. It is further

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ORDERED that this docket shall remain open for 180 days from the issuance date of this Order to verify that the utility has installed: a new 5,000 gallon hydro-pneumatic water tank; a chlorine alarm with automatic switch-over; water meters for all customers; and a blower at the wastewater plant; and that the utility has purchased a back-up motor for the well pump. Once our staff has verified that these actions have been completed, no further action will be necessary in this docket, and the docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 12th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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, 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.