



Public Service Commission

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

RECEIVED-FPSC
MAY 12 AM 9:38
RECORDS AND REPORTING

DATE: May 9, 2000
TO: Blanca Bayo, Director of Records and Reporting
FROM: Rosanne Gervasi, Bureau Chief, Division of Legal Services
 Bob Casey, Professional Accountant Specialist, Water and Wastewater Division *ABE*
RE: Docket No. 990356-WS, Application for a Staff Assisted Rate Case by Breeze Hill Utilities

Proposed Agency Action Order No. PSC-99-2394-FOF-WS, issued December 7, 1999, in the above docket, was protested. The utility provided the Commission with a letter of credit on January 6, 2000 from Citizens Bank to enable it to initiate the new rates subject to refund. The protest was subsequently withdrawn. By Order No. PSC-00-0681-FOF-WS, issued April 12, 2000, the Commission acknowledged the withdrawal of the protest, and ordered the irrevocable letter of credit filed in this docket to be canceled. The utility needs the original letter of credit returned to the bank so that it can be canceled. Please make arrangements to forward the letter to the bank as requested. Thank You.

cc: Division of Water and Wastewater (Hoppe, Willis, Rendell)

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DOCUMENT NUMBER-DATE
05901 MAY 12 8
 FPSC-RECORDS/REPORTING

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.

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

ORDER NO. PSC-00-0681-FOF-WS
DOCKET NO. 990356-WS
PAGE 3

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.

/s/ Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)

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DOCKET NO. 990356-WS
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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.



CITIZENS BANK

All Correspondence:
P.O. Box 7
Frostproof, FL 33843-0007

ORIGINAL

Main Office:
2 East Wall Street
Frostproof, FL
Phone: (863) 635-2244
Fax: (863) 635-9202

Lake Wales Office:
1838 State Road 60 East
Lake Wales, FL
Phone: (863) 676-7077
Fax: (863) 679-7793

WAW
Wales City Office:
1000 State Road 554, Ste 1
Winter Haven, FL
Phone: (863) 421-8484
Fax: (863) 421-6090

Anytime BankLine (863) 679-7777

MAIL ROOM
RECORDS AND REPORTING

00 JAN 05 AM 8:30 JAN - 6 PM 2:24

RECEIVED-FPSC

Citizens Bank
Irrevocable Letter of Credit No. 120
January 3, 2000

Florida Public Service Commission
Division of Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0870

RECEIVED

JAN 10 2000

Florida Public Service Commission
Division of Water and Wastewater

Re: Docket No. 990356-WS

ATTN: Blanca S. Bayo

We hereby open our Irrevocable Letter of Credit in your favor for the account of Breeze Hill Utilities, Inc., 152 Breeze Hill, Lake Wales, FL 33853 for a sum not to exceed the aggregate of \$28,129.00 available by your one or more clean drafts drawn at sight on us.

Each draft so drawn must be marked "Drawn under Citizens Bank, PO Box 7, Frostproof, FL 33843 Letter of Credit #120 and be accompanied by a signed statement of Florida Public Service Commission, Division of Records & Reporting that Breeze Hill Utilities, Inc. has failed to honor their contractual agreement with Florida Public Service Commission, Division of Records & Reporting.

The credit is subject, so far as applicable, to "The Uniform customs and Practice for Documentary Credit, 1993 revision, The International Chamber of Commerce Publication No. 500."

We hereby agree with you that all drafts drawn under and in compliance with the terms of this credit will be duly honored if drawn and presented for payment to our main office, Citizens Bank of Frostproof, PO Box 7, Frostproof, FL 33843. This letter will expire on January 3, 2001.

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- APP _____
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- CMU _____
- CTR _____
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- WAS _____
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- RRR _____
- SEC _____
- NAW _____
- OTH _____

Sincerely,

Greg Littleton

Greg Littleton
Vice President

DOCUMENT NUMBER-DATE
00264 JAN-68

