



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-PPSC  
10 AUG 17 AM 11:40  
RECORDS AND REPORTING  
BAYO  
BRUBAKER  
MERCHANT  
QUIJANO  
EMA  
RAT

**DATE:** AUGUST 17, 2000

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

**FROM:** DIVISION OF LEGAL SERVICES (BRUBAKER)  
DIVISION OF ECONOMIC REGULATION (MERCHANT, QUIJANO)

**RE:** DOCKET NO. 000183-SU - PETITION FOR LIMITED PROCEEDING TO RECOVER INCREASE IN COST OF METER READING DATA IN HIGHLANDS COUNTY BY HIGHLANDS UTILITIES CORPORATION.  
COUNTY: HIGHLANDS

**AGENDA:** 08/29/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\000183.RCM

### CASE BACKGROUND

Highlands Utilities Corporation (Highlands or utility) is a Class B wastewater utility located in Highlands County. Based on the 1999 Annual Report, the utility provides wastewater service to 1,347 customers and recorded revenues of \$551,730 and expenses of \$524,028, resulting in net operating income of \$27,702 as of the year ended December 31, 1999.

On February 14, 2000, the utility filed a petition for a limited proceeding pursuant to Section 367.0822, Florida Statutes, for recovery of an increased cost for meter reading data obtained for its customers in the utility's Sebring system. The utility subsequently contacted the City of Sebring (City) for clarification of the increase in cost, because it appeared that the increased charge would be in excess of that which is allowed under Florida's public records law, Section 119.07, Florida Statutes. The City thereafter discontinued the increased meter data charge.

DOCUMENT NUMBER-DATE

10026 AUG 17 8

FPSC-RECORDS REPORTING

On August 3, 2000, Highlands filed a letter with the Division of Records and Reporting requesting withdrawal of its petition for a limited proceeding and requesting that the utility's \$1,000 filing fee be refunded.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should Highlands Utilities Corporation's withdrawal of its request for a limited proceeding be acknowledged, and should the corresponding filing fee be refunded?

**RECOMMENDATION:** Yes, Highlands' withdrawal of its request for a limited proceeding should be acknowledged. Further, the corresponding filing fee in the amount of \$1,000 should be refunded. (BRUBAKER, QUIJANO)

**STAFF ANALYSIS:** Section 2.07(c)(6)(d) of the Administrative Procedures Manual permits staff to administratively dispose of withdrawals of petitions provided that there are no pending issues, no request for refund of filing fee has been made, and no agency action has been taken. On August 3, 2000, Highlands filed a letter with the Division of Records and Reporting requesting withdrawal of its petition for a limited proceeding and requesting that the utility's \$1,000 filing fee be refunded. Therefore, the withdrawal cannot be handled administratively by staff.

As noted in the case background, by way of its petition, Highlands sought to recover a cost increase associated with obtaining meter reading data for its customers in the utility's Sebring system. It now appears that it is no longer necessary to process the petition because the City of Sebring has discontinued the additional records' charge. Therefore, staff recommends that Highlands' request for withdrawal of its petition for a limited proceeding should be acknowledged.

When a utility requests a refund of its filing fee, the request is analyzed in terms of the amount of time and work that staff has devoted to processing the utility's application. In cases where staff has not yet committed significant time and effort, such as where only the Case Assignment and Scheduling

DOCKET NO. 000183-  
DATE: August 17, 2000

Record has been established, the Commission has refunded the utility's application fee. See Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU. See also, Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS (finding that Commission practice is to refund a filing fee if no significant time and effort have been spent on a case); and Order No. 19133, issued April 12, 1988, in Docket No. 871326-SU (directing that the filing fee be refunded, as virtually no Commission staff time or resources had been expended). Where staff has devoted a significant amount of time in processing the application, the Commission has denied the refund of the filing fee. See Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS and Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS.

During the period between the filing of the utility's application and its August 3, 2000 request for withdrawal of that application, Commission staff has not had to expend considerable time or resources on the processing of Highlands' application. Accordingly, staff recommends that Highlands' request for return of the corresponding filing fee in the amount of \$1,000 should be approved.

DOCKET NO. 000183.  
DATE: August 17, 2000

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

**RECOMMENDATION:** Yes, if the Commission votes to approve staff's recommendation in Issue 1, then no further action is required and the docket should be closed. (BRUBAKER, QUIJANO)

**STAFF ANALYSIS:** If the Commission votes to approve staff's recommendation in Issue 1, then no further action is required and the docket should be closed.