

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding to recover increase in cost of meter reading data in Highlands County by Highlands Utilities Corporation.

DOCKET NO. 000183-SU
ORDER NO. PSC-00-1622-FOF-SU
ISSUED: September 12, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION
AND APPROVING REFUND OF FILING FEE

BY THE COMMISSION:

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.

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.

DOCUMENT NUMBER-DATE

11290 SEP 12 8

FPSC-RECORDS/REPORTING

WITHDRAWAL OF PETITION

As noted above, Highlands' petition sought to recover a cost increase associated with obtaining meter reading data for its customers in the utility's Sebring system. It is no longer necessary to process the petition because the City of Sebring has discontinued the additional records charge. We therefore find it appropriate to acknowledge Highlands' request for withdrawal of its petition for a limited proceeding.

REFUND OF FILING FEE

When a utility requests a refund of its filing fee, the request is analyzed in terms of the amount of time and work that our staff has devoted to processing the utility's application. In cases when our staff has not yet committed significant time and effort, such as when only the Case Assignment and Scheduling Record has been established, we have refunded the utility's application fee. See Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU. 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). When staff has devoted a significant amount of time in processing the application, we have 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 did not expend considerable time or resources on processing Highlands' application. Accordingly, we find it appropriate to approve Highlands' request for return of the corresponding filing fee in the amount of \$1,000.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Highlands Utilities Corporation's request for withdrawal of its petition for a limited proceeding is hereby acknowledged. It is further

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ORDERED that the refund of the \$1,000 filing fee paid by Highlands Utilities Corporation is hereby approved. It is further

ORDERED that this docket is hereby closed.

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

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: _____

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JSB

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

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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.

STATE OF FLORIDA
OFFICE OF THE COMPTROLLER
APPLICATION FOR REFUND

Section 215.26, Florida Statutes, states in part: "Applications for refunds as provided in this section shall be filed with the Comptroller, except as otherwise provided herein, within 3 years after the right to such refund shall have accrued else such right shall be barred." Three years is generally interpreted as meaning three years from the date of payment into the State treasury. The Comptroller has delegated the authority to accept applications for refund to the unit of State government which initially collected the money.

Pursuant to the provisions of Rule 3A-44.020, Florida Administrative Code, and Section 215.26, Florida Statutes, or Section _____, Florida Statutes, I hereby apply for a refund of moneys I paid into the State treasury, which are subject to refund. The following information is submitted to substantiate the claim.

Name: Highlands Utilities Corporation EIN or SS No. _____

Address: 720 U.S. Highway 27 South
Lake Placid, FL 33852-9515

Amount: \$1,000.00 Date Paid _____

Reason for Claim: The payment is the filing fee for Highlands' petition for a limited proceeding. Highlands withdrew its petition on 8/03/00. By Order PSC-00-1622-EOF-SU in Docket 000183, issued on 9/12/00, PSC ordered the refund of the filing fee.

CERTIFIED TRUE AND CORRECT this _____ day of _____, 2000

Signature [Handwritten Signature]

*Must be completed if authority is other than Section 215.26, Florida Statutes.

(FOR AGENCY USE ONLY)

Agency recommends approval of the above claim and submits the following information to substantiate the claim: Amount of recommended refund \$ 1,000.00.

The amount requested above was originally deposited into the State treasury as a part of the funds deposited on State Treasurer's Receipt No. _____ dated _____

NAME OF ACCOUNT: _____

SAMAS ACCOUNT CODE											

Statutory Authority for Collection: _____
It is requested that payment be made from the following account:

NAME OF ACCOUNT: _____

SAMAS ACCOUNT CODE											

CERTIFIED TRUE AND CORRECT this 26th day of September, 2000

Florida Public Service Commission
Agency

[Handwritten Signature]
Signature of Authorized Person

Director, Division of Records & Reporting
Title