

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971596-WS Date Docketed: 12/08/1997 Title: Petition for limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., in by United Water Florida Inc.
 Company: United Water Florida Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM _____ AFA _____ APP _____ CAF _____ CMU _____ EAG _____ GCL _____ LEG X RAR _____ RRR _____ (WAW) X
 ("() indicates OPR)

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module Al(d)

	<u>Staff Assignments</u>					
<u>OPR Staff</u>	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
<u>Staff Counsel</u>	_____	_____	_____	_____	_____	_____
<u>OCRs ()</u>	_____	_____	_____	_____	_____	_____
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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

	<u>Due Dates</u>	
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Recommended assignments for hearing and/or deciding this case:
 Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____
 Date filed with RAR: _____
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	KS	GR	

DOCUMENT NO.
18468-00

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: ____ / ____ / ____

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (AR) Completes

Docket No. 971596-WS Date Docketed: 12/08/1997 Title: Petition for limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., by United Water Florida Inc.
 Company: United Water Florida Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF CMU EAG GCL LEG RAR RRR (WAW)
 ("(") indicates OPR) _____ X _____ X

Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule

Program/Module	A1(d)
<u>Staff Assignments</u>	
OPR Staff	J Kyle, T Merchant
Staff Counsel	R Gervasi
OCRs ()	
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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

0

	Due Dates	
	Previous	Current
1. FAW Notice Filed	NONE	12/23/1997
2. Deficiency Notification to Applicant	NONE	01/07/1998
3. Staff Recommendation - Rule Waiver	NONE	01/22/1998
4. Agenda - Rule Waiver	NONE	02/03/1998
5. PAA Order - Rule Waiver	NONE	02/23/1998
6. Staff Recommendation - Limited Proceeding	NONE	04/30/1998
7. Agenda - Limited Proceeding	NONE	05/12/1998
8. PAA Order - Limited Proceeding	NONE	06/01/1998
9. Close Docket or Revise CASR	NONE	07/01/1998
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Recommended assignments for hearing and/or deciding this case:
 Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____
 Date filed with RAR: 12/22/1997
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		
X							

- Prehearing Officer

Commissioners					ADM
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Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 12/22/1997

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971596-WS Date Docketed: 12/08/1997 Title: Petition for limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., by United Water Florida Inc.
 Company: United Water Florida Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM AFA APP CAF CMU EAG GCL LEG RAR RRR (WAW)
 ("()" indicates OPR) _____ _____ _____ _____ _____ _____ X _____ _____ _____ X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A1(d)

Staff Assignments

OPR Staff J Kyle, T Merchant

Staff Counsel R Gervasi

OCRs () _____

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 04/10/1998

Initials: OPR _____
 Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

1

	Due Dates	
	Previous	Current
1. Staff Recommendation	04/30/1998	06/04/1998
2. Agenda - Regular	05/12/1998	06/16/1998
3. PAA Order	06/01/1998	07/06/1998
4. Close Docket or Revise CASR	07/01/1998	08/10/1998
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
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- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: Pending 4/20/98

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971596-WS Date Docketed: 12/08/1997 Title: Petition for limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., by United Water Florida Inc.
 Company: United Water Florida Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM _____ AFA _____ APP _____ CAF _____ CMU _____ EAG _____ GCL _____ LEG _____ RAR _____ RRR _____ (WAW) _____
 ("(") indicates OPR) _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A1(d)

Staff Assignments

OPR Staff J Kyle, T Merchant

Staff Counsel R Gervasi

OCRs () _____

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

2		
1. Staff Recommendation	06/04/1998	07/09/1998
2. Agenda - Regular	06/16/1998	07/21/1998
3. PAA Order	07/06/1998	08/10/1998
4. Close Docket or Revise CASR	08/10/1998	09/14/1998
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 06/04/1998

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]

Date: Pending 6-18-98

C

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

December 9, 1997

James L. Ade, Esquire
Martin, Ade, Birchfield & Mickler, P.A.
Post Office Box 59
Jacksonville, Florida 32201

Re: Docket No. 971596-WS

Dear Mr. Ade:

This will acknowledge receipt of a petition for limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., in by United Water Florida Inc., which was filed in this office on December 8, 1997 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission

DOCUMENT NO.
18468 00



RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION

RECEIVED 98 JAN -2 AM 10: 32
JAN 02 1998
MAIL ROOM

FPSC - Records/Reporting

December 29, 1997

Ms. Blanca Bayo
Florida Public Service Commission
Director of Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee FL 32399-0850

Dear Ms. Bayo:

By this letter, I request that Matthew Feil, Esq. be put on the mailing list for the following list of docket:

Docket No. 971596-WS -- United Water Florida Inc.

Mr. Feil's address is as follows:

Matthew Feil, Esq.
Florida Water Services Corporation
1000 Color Place
Apopka FL 32703

*Entered
1/5/98*

If you have any questions, please contact me at (407) 880-0058, ext. 267. Thank you for assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Donna L. Henry".

Donna L. Henry
Executive Legal Assistant



Public Service Commission

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

RECEIVED

MAR 24 1998

DATE: March 23, 1998
TO: Division of Records and Reporting
FROM: Division of Legal Services (Gervasi) *rs*
RE: Docket No. 971596-WS - Petition for limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., by United Water Florida, Inc.

FPSC - Records/Reporting

Please file the attached Memorandum of Law in the docket file for the above-referenced docket. Please note that a document number has already been assigned to this document, however, it is filed under the wrong Docket No. It is recorded in Docket No. 980112-WS, but should instead be filed in Docket No. 971596-WS. Please call me or my secretary, Dorothy Roberts, should you have any questions.

RG/dr

cc: Division of Water and Wastewater (Kyle, Merchant)

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 FPSC-RECORDS/REPORTING

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RECEIVED-FPSC

22 SEP 21 AM 10:54

SEPTEMBER 21, 1998

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (GERVASI) *RS*

RE: DOCKET NO. 971596-WS - PETITION FOR LIMITED PROCEEDING
REGARDING OTHER POSTRETIREMENT EMPLOYEE BENEFITS AND
PETITION FOR VARIANCE FROM OR WAIVER OF RULE 25-14.012,
F.A.C., BY UNITED WATER FLORIDA INC.

PSC-98-1243-FOF-WS

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER DENYING PETITIONS FOR LIMITED PROCEEDING AND FOR VARIANCE FROM OR WAIVER OF RULE 25-14.012, FLORIDA ADMINISTRATIVE CODE, to be issued in the above-referenced docket.

(Number of pages in order - 34)

RG/dr

Attachment

cc: Division of Water and Wastewater (Kyle, Merchant)

I:\971596OR.RG

See 33

OK

LAW OFFICES

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.

JAMES L. ADE
LYNDA R. AYCOCK
W. O. BIRCHFIELD
TIMOTHY A. BURLEIGH
JASON E. CAMPBELL
CHARLES L. CRANFORD
STEPHEN H. DURANT
T. WILLIAM GLOCKER
MICHAEL E. GOODBREAD, JR.
STEPHEN D. HALKER
SHARON ROBERTS HENDERSON

ONE INDEPENDENT DRIVE - SUITE 3000
JACKSONVILLE, FLORIDA 32202

MAILING ADDRESS:
POST OFFICE BOX 59
JACKSONVILLE, FLORIDA 32201

TELEPHONE (904) 354-2050
TELECOPIER (904) 354-5842

BARBARA CHRISTIE JOHNSTON
MYRA LOUGHRAN
RALPH H. MARTIN
ROBERT O. MICKLER
JEANNE M. MILLER
JOHN D. MILTON, JR.
JAMES A. NOLAN, III
DANIEL B. NUNN, JR.
SCOTT G. SCHILDBERG
MICHAEL D. WHALEN
GARY L. WILKINSON

L. PETER JOHNSON (1942-1988)

November 9, 1998

FEDERAL EXPRESS

Honorable Jon S. Wheeler
Clerk of the Court
District Court of Appeal
First District - State of Florida
301 Martin L. King, Jr. Boulevard
Tallahassee, Florida 32399-1850

Dear Mr. Wheeler:

Enclosed please find a copy of the Notice of Administrative Appeal whereby United Water Florida Inc. is appealing to the First District Court of Appeal the Notice of Proposed Agency Action Order Denying Petitions for Limited Proceeding and for Variance From or Waiver of Rule 25-14.012, Florida Administrative Code, Order No. PSC-98-1243-FOF-WS, dated September 21, 1998. Also enclosed please find our firm's check in the amount of \$250.00 in payment of the filing fee.

I would appreciate your filing and processing the Notice of Administrative Appeal and the check in accordance with your established procedure.

If you have any questions or need any additional information regarding this matter, please do not hesitate to call.

Sincerely yours,


James L. Ade

JLA:dws
Enclosures

cc: Ms. Blanca Bayo	(w/o enclosures)
Ms. Rosanne G. Gervasi	(w/o enclosures)
Mr. Harold McLean	(w/o enclosures)
Mr. Walton F. Hill	(w/o enclosures)
Mr. Robert J. Iacullo	(w/o enclosures)
Mr. Gary R. Moseley	(w/o enclosures)
Ms. Carroll Webb	(w/o enclosures)

VENDOR 004006

CHECK NO. 021457

OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
29938	21457	11/09/98	CLIENT EXP., 600-000 250.00	250.00	.00
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FIRST DIST. COURT OF APPEALS					
DWS					

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.
 ATTORNEYS AT LAW
 3000 INDEPENDENT SQUARE
 JACKSONVILLE, FLORIDA 32202

FIRST UNION NATIONAL BANK OF FLORIDA
 JACKSONVILLE, FLORIDA 32202

021457

63-2/630 CHECK NO. CHECK DATE VENDOR NO.
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PAY TWO HUNDRED FIFTY AND 00/100 DOLLARS*****

CHECK AMOUNT \$*****250.00

TO THE ORDER OF

FIRST DISTRICT COURT OF APPEALS

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.
OPERATING ACCOUNT - Void After 90 Days

021457

021457

State of Florida

Commissioners:

JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, Jr.



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

November 10, 1998

Mr. Jon S. Wheeler, Clerk
First District Court Building
District Court of Appeals Building
Tallahassee, Florida 32301

Re: Docket No. 971596-WS - United Water Florida Inc. vs. Florida Public
Service Commission.

Dear Mr. Wheeler:

Enclosed is a certified copy of a Notice of Appeal, filed in this office on
November 10, 1998 on behalf of the United Water Florida Inc.

The index is due to be served on the parties to this proceeding on or before December
30, 1998

Sincerely,

A handwritten signature in cursive script that reads "Lenda Williams for".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: James L. Ade
David Smith
All Other Parties of Record

M E M O R A N D U M

RECEIVED-FPSC

99 APR 28 PM 1:40

RECORDS AND
REPORTING

April 28, 1999

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (GERVASI) *OV for RG*
RE: DOCKET NO. 971596-WS - PETITION FOR LIMITED PROCEEDING
REGARDING OTHER POSTRETIREMENT EMPLOYEE BENEFITS AND
PETITION FOR VARIANCE FROM OR WAIVER OF RULE 25-14.012,
F.A.C., BY UNITED WATER FLORIDA INC.

99-0848-FOF-WS

Attached is an ORDER FINALIZING PROPOSED AGENCY ACTION ORDER
NO. PSC-98-1243-FOF-WS, to be issued in the above-referenced
docket. This order must be issued no later than May 3, 1999.

(Number of pages in order - 4)

RG/TV/dr

Attachment

cc: Division of Water and Wastewater (Willis, Merchant, Kyle)

I:\971596OR.RG

2/3

Correspondence

**FIRST DISTRICT COURT OF APPEAL
TALLAHASSEE, FLORIDA 32399**

MEMORANDUM

RECEIVED-FPSC
00 MAY 16 PM 2:27
RECORDS AND
REPORTING

TO: Public Service Comm.

FROM: Jon S. Wheeler, Clerk

DATE: 5-15-00

971596-WS

RE: Appellate Record Return

We are enclosing the volumes of original record and the exhibits (if any) in the case numbers listed below:

<u>98-4164</u>		

Please receipt the copy of this letter and return to me.

JSW/dch

RECEIVED:

By _____

Date _____

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

UNITED WATER FLORIDA INC. ,)
)
) Appellant,)
)
 -vs-)
)
 FLORIDA PUBLIC SERVICE COMMISSION,)
)
) Appellee.)
)
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CASE NO.
98-04164

VOLUME 2

Transcript of record in the matter of:

Petition for limited proceeding
regarding other postretirement employee benefits
and petition for variance from or waiver of Rule 25-14.012, F.A.C.,
by United Water Florida Inc.

Docket No. 971596-WS

JON S. WHEELER
CLERK, DISTRICT COURT OF APPEAL
FIRST DISTRICT

99 MAY 14 PM 1:21

FILED

Mr. James L. Ade
Martin Ade Law Firm
One Independent Drive
Suite 3000
Jacksonville, Florida 32202

ATTORNEYS FOR APPELLANT

Mr. David Smith
Ms. Mary Anne Helton
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

I N D E X

United Water Florida Inc. vs. Florida Public Service Commission
Docket No. 971596-WS
First District Court of Appeal Case No. 98-04164

VOLUME 1

Petition for a limited proceeding regarding other postretirement employee benefits and petition for variance from or waiver of Rule 25-14.012, F.A.C., by United Water Florida Inc. (“UWF”), filed December 8, 1997 1

Notice to Florida Administrative Weekly of receipt of petition from UWF, submitted December 22, 1997 46

Letter dated January 13, 1998 from attorney for UWF to Florida Public Service Commission (“PSC”) staff attorney 47

Memorandum of law, filed February 27, 1998, on behalf of UWF 49

Response to PSC staff’s first set of data requests, filed February 27, 1998, on behalf of UWF 85

Memorandum of law regarding variances and waivers of rules under Section 120.542, F.S., (1997), filed May 26, 1998, on behalf of UWF 112

Memorandum from PSC’s Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed July 9, 1998 135

VOLUME 2

Transcript of discussion of Item 22 from July 21, 1998 PSC agenda conference 158

Letter dated July 29, 1998 from attorney for UWF to PSC with attached copies of Schedules I through IV relating to UWF’s return on equity for 1994-1997 212

Memorandum from PSC’s Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed August 10, 1998 219

Transcript of discussion of Item 22 from August 18, 1998 PSC agenda conference 251

Transcript of discussion of Item 24 from September 1, 1998 PSC agenda conference 258

Notice of Proposed Agency Action Order No. PSC-98-1243-FOF-WS denying petitions for limited proceeding and for variance from or waiver of Rule 25-14.012, F.A.C., issued September 21, 1998	286
Notice to Florida Administrative Weekly of disposition of petition from UWF, submitted September 30, 1998	320
Notice of administrative appeal, filed November 10, 1998, on behalf of UWF	321
Order of First District Court of Appeal in Case No. 98-4164, dated December 3, 1998	357
Order of First District Court of Appeal in Case No. 98-4164, dated January 8, 1999	358
Appellee PSC's response to order to show cause, dated January 25, 1999	360
UWF's reply to the PSC's response to order to show cause, dated February 9, 1999	378
Order of First District Court of Appeal relinquishing jurisdiction, dated April 13, 1999	385
Memorandum from PSC's Divisions of Appeals, Legal Services, and Water and Wastewater to Division of Records and Reporting, filed April 16, 1999	388
Order PSC-99-0848-FOF-WS finalizing Proposed Agency Action Order No. PSC-98-1243-FOF-WS, issued April 28, 1999	397
Certificate of Director, Division of Records and Reporting	401



Public Service Commission

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

DATE: February 8, 2000

TO: JOE GARCIA, CHAIRMAN
 J. TERRY DEASON, COMMISSIONER
 SUSAN F. CLARK, COMMISSIONER
 E. LEON JACOBS, COMMISSIONER
 WILLIAM TALBOTT, EXECUTIVE DIRECTOR
 JAMES WARD, DEPUTY EXECUTIVE DIRECTOR/ADM.
 MARY BANE, DEPUTY EXECUTIVE DIRECTOR/TECH.
 CATHY BEDELL, GENERAL COUNSEL
 DAVID SMITH, DIRECTOR OF APPEALS
 NOREEN DAVIS, DIRECTOR OF LEGAL SERVICES
 TIM DEVLIN, DIRECTOR OF AUDITING & FINANCIAL ANALYSIS
 WALTER D'HAESELEER, DIRECTOR OF COMMUNICATIONS
 STEVE TRIBBLE, DIRECTOR OF ADMINISTRATION
 BEV DEMELLO, DIRECTOR OF CONSUMER AFFAIRS
 JOE JENKINS, DIRECTOR OF ELECTRIC & GAS
 DAN HOPPE, DIRECTOR OF WATER AND WASTEWATER
 BLANCA BAYO, DIRECTOR OF RECORDS & REPORTING
 CHUCK HILL, DIRECTOR OF POLICY ANALYSIS & INTERGOVERNMENTAL

FROM: MARY ANNE HELTON, ASSOCIATE GENERAL COUNSEL *not DES*

RE: UNITED WATER FLORIDA, INC. v. FLORIDA PUBLIC SERVICE COMMISSION, FIRST DCA CASE NO. 1D98-4164, FPSC DOCKET NO. 971596-WS

RECEIVED-FPSC
 00 FEB 09 AM 10:41
 RECORDS AND REPORTING
W

On February 2, 2000, the First District Court of Appeal affirmed, per curiam, the Commission's order in Docket No. 971596-WS. In the proceeding before the Commission, United Water Florida Inc. (United Water) petitioned for recovery of prior Other Postretirement Benefit (OPEB) expenses, even though the utility had not complied with Rule 25-14.012, Florida Administrative Code, by seeking timely recovery or deferral of the expenses. In the alternative, United Water sought a waiver or variance from Rule 25-14.012 pursuant to Section 120.542, Florida Statutes. The Commission denied the petition, in part, because recovery would result in retroactive ratemaking and the utility failed to meet the statutory requirements for obtaining a rule variance or waiver.

A copy of the court's opinion is attached.

Attachment

cc: Jan Kyle
Trish Merchant

FA
APP
CAF
CMU
CTR
EAG
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DOCUMENT NUMBER-DATE
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 FPSC RECORDS REPORTING

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

UNITED WATER FLORIDA INC.,

Appellant,

v.

FLORIDA PUBLIC SERVICE
COMMISSION, A State Agency,

Appellee.

NOT FINAL UNTIL TIME EXPIRES
TO FILE MOTION FOR REHEARING
AND DEPOSITION THEREOF IF FILED

CASE NO. 1D98-4164

_____/

Opinion filed February 2, 2000.

An appeal from an order of the Public Service Commission.

James L. Ade and Scott G. Schildberg, of Martin, Ade, Birchfield & Mickler, P.A., for Appellant.

Robert D. Vandiver, General Counsel and Mary Anne Helton, Associate General Counsel, Florida Public Service Commission, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

MINER, WOLF and PADOVANO, JJ., CONCUR.

RECEIVED
00 FEB -4 AM 10:38
FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF APPEALS

STATE OF FLORIDA

Correspondence

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

May 14, 1999

Mr. James L. Ade
Martin Ade Law Firm
One Independent Drive
Suite 3000
Jacksonville, Florida 32202

Re: 1st DCA Case No. 98-04164 - United Water Florida Inc. vs. Florida Public Service Commission (Docket No. 971596-WS)

Dear Mr. Ade:

The record in the above-referenced docket on appeal has been filed in the First District Court of Appeal. I am enclosing an invoice that reflects charges for preparation of the record. Please forward payment of the amount indicated to the Florida Public Service Commission at your earliest convenience.

I am also enclosing a revised Index of Record, revised to reflect inclusion of the agenda transcripts in the record, as well as other documents received after the notice of appeal was filed. Please substitute this index for the copy you currently hold.

Feel free to call if you have any questions concerning these matters.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Mary Anne Helton

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FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 5/14/99

5343

To:

James L. Ade
Martin Ade law firm
One Independent Drive
Suite 3000
Jacksonville FL 32202

Date Paid _____

Amount Paid _____

Check # _____

Check Cash

PSC Signature _____

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This number must appear on
all checks or correspondence
regarding this invoice.

Please make checks payable to: **FLORIDA PUBLIC SERVICE COMMISSION**

QUANTITY	DESCRIPTION	PRICE	AMOUNT
399 pgs.	Copies of documents from 971596-WS, on appeal to 1st DCA, Case No. 98-04164	@ 5 cents	\$19.95
1	Certificate of Director, RAR	@ \$4.00	4.00
TOTAL			\$23.95

STATE OF FLORIDA

Commissioners:
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J. TERRY DEASON
SUSAN F. CLARK
JULIA N. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

RECEIVED OF THE FLORIDA PUBLIC SERVICE COMMISSION

TRANSCRIPT OF RECORD IN THE MATTER OF:

UNITED WATER FLORIDA INC.

vs.

FLORIDA PUBLIC SERVICE COMMISSION

CASE NO. 98-04164

DOCKET NO. 971596-WS

CONTAINED IN TWO VOLUMES

DATE 5/14/99 CLERK Shang

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 19, 1999

Mr. James L. Ade
Martin, Ade, Birchfield, and Mickler, P.A.
One Independent Drive - Suite 3000
Jacksonville, Florida 32202

Re: First District Court of Appeal Case No. 98-04164 - ~~United Water Florida Inc.~~ vs. Florida Public Service Commission (Docket No. 971596-WS)

Dear Mr. Ade:

I am returning Check No. 022116 in the amount of \$21.90, which was intended as payment for preparation of the above-referenced docket on appeal. Upon receiving a copy of the Court's Order Relinquishing Jurisdiction, we were able to retrieve the record before it could be delivered to the Clerk's Office. Once the Commission has complied with the directives in the Order, the record will be filed in the Court, and you will be billed at that time for record preparation.

Please do not hesitate to call if you have any questions or comments regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Mary Anne Helton, Division of Appeals
Evelyn Sewell, Division of Administration

State of Florida

Commissioners:
JOE GARCIA, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 14, 1999

RECEIVED-FPSC
99 APR 14 AM 10:21
RECORDS AND
REPORTING

Mr. Jon S. Wheeler, Clerk
First District Court of Appeal
District Court of Appeal Building
Tallahassee, Florida 32301

**RE: United Water Florida Inc. vs. Florida Public Service Commission
Docket No. 971596-WS (1st DCA Case No. 98-04164)**

Dear Mr. Wheeler:

I am forwarding the record in the above-referenced case. The record consist of 2 volumes. Please stamp the attached copy as acknowledgement of receipt, and return the copy to me.

Please call me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay C. Williams for".

Kay Flynn, Chief
Bureau of Records

KF:lcw

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 12, 1999

Mr. James L. Ade
Martin Ade Law Firm
One Independent Drive
Suite 3000
Jacksonville, Florida 32202

Re: 1st DCA Case No. 98-04164 - United Water Florida Inc. vs. Florida Public Service Commission (Docket No. 971596-WS)

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Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Mary Anne Helton

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

UNITED WATER FLORIDA INC. ,)
)
 Appellant,)
)
 -vs-)
)
 FLORIDA PUBLIC SERVICE COMMISSION,)
)
 Appellee.)
)
)
)
 _____)

CASE NO.
98-04164

Transcript of record in the matter of:

Petition for limited proceeding
regarding other postretirement employee benefits
and petition for variance from or waiver of Rule 25-14.012, F.A.C.,
by United Water Florida Inc.

Docket No. 971596-WS

Mr. James L. Ade
Martin Ade Law Firm
One Independent Drive
Suite 3000
Jacksonville, Florida 32202

ATTORNEYS FOR APPELLANT

Mr. David Smith
Ms. Mary Anne Helton
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

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