

STATE OF FLORIDA

Commissioners:  
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# Public Service Commission

December 10, 2001

Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301

Re: Docket No. 010941-WS - Application for certificates to provide water and wastewater service in Osceola County by Kings Point Utility, Inc.

Dear Mr. Friedman:

I am writing in regards to the voluntary dismissal of the Application for a Certificate of Authorization made by Kings Point Utility, Inc., filed November 2, 2001. In your Notice of Voluntary Dismissal, you request refund of the filing fee.

In the past, when considering refund of filing fees, the Commission has looked to the amount of time and effort expended by staff in a docket. See, e.g., Order No. PSC-01-1429-FOF-WW, issued July 3, 2001; Order No. PSC-99-1908-FOF-WW, issued September 27, 1999; and Order No. PSC-94-0776-FOF-WS. In this docket, staff has expended significant time, effort, and resources, including, but not limited to, extensive review of the application, identifying deficiencies in the application, and the preparation and service of discovery materials for use in the scheduled hearing. Due to the significant efforts expended by staff, staff believes that a refund of the filing fee would not be appropriate and is not warranted in this case.

Should your client agree to dismissal of the Application without refund of the filing fee, I would appreciate it if you could so notify me in writing, that I may go ahead and close this docket out. If your client wishes to pursue dismissal of the Application with a refund of the filing fee, I would likewise appreciate it if you could notify me in writing, so staff can set this matter for an agenda conference and begin preparation of a Staff Recommendation. Thank you for your time and attention.

Sincerely,

Larry D. Harris  
Senior Attorney

LDH/dm

cc: Division of the Commission Clerk and Administrative Services  
Division of Regulatory Oversight (Johnston, Walden, Winston)

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