

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6248

000242

Public Service Commission

March 12, 2003

The Honorable Edwin P.B. Sanders
101 N. Alabama Ave
DeLand, Florida 32724

Re: In Re: Enterprise Utilities, Inc., Case No. 81-5258-CA-01

Dear Judge Sanders:

In response to the Court's inquiry at the January 2003 hearing in the above matter, the Florida Public Service Commission (FPSC) has decided to withdraw as a party in this matter. As noted at the January 2003 hearing, no party objected to FPSC's seeking to withdraw from this case.

Please find enclosed a courtesy copy of the FPSC's Motion to Withdraw along with a proposed order on said motion. If the proposed order meets with your approval, the FPSC would ask that the order be entered without need for further hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Christensen".

Patricia A. Christensen
Senior Attorney

PAC: pac
Enclosure

cc: M. Bradley Luzcak, Esquire
558 W. New England Ave, Suite 240
Winter Park, Florida 32789-4256

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FPSC-COMMISSION CLERK

The Honorable Edwin P.B. Sanders

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March 11, 2003

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Cobb, Cole, & Bell, P.A.
P.O. Box 2491
Daytona Beach, Florida 32115-2491

Frank B. Gummy, III, Esquire
123 West Indiana Ave
DeLand, Florida 32720-4613

STATE OF FLORIDA

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Public Service Commission

March 12, 2003

Diane M. Matousek
Clerk of the Circuit
101 N. Alabama Ave
DeLand, Florida 32720

Re: In Re: Enterprise Utilities, Inc., Case No. 81-5258-CA-01

Dear Ms. Matousek:

Please find enclosed the original Motion to Withdraw as a party. We ask that the Motion to Withdraw be filed in the court record.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Christensen".

Patricia A. Christensen
Senior Attorney

PAC:pac
Enclosure

cc: M. Bradley Luzcak, Esquire
558 W. New England Ave, Suite 240
Winter Park, Florida 32789-4256

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IN THE CIRCUIT COURT OF
THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY,
FLORIDA

CASE NO. 81-5258-CA-01
Division B

IN RE: ENTERPRISE UTILITIES, INC.

FLORIDA PUBLIC SERVICE COMMISSION'S
MOTION TO WITHDRAW AS A PARTY

COMES NOW, the Florida Public Service Commission, by and through undersigned counsel, and files its Motion to Withdraw as a party pursuant to Rule 1.100, Florida Rules of Civil Procedure, and as grounds states as follows:

1. The Florida Public Service Commission (Commission) was granted intervention in this matter when Enterprise Utilities Corporation (Enterprise) was originally abandoned.

2. On April 24, 1998, Florida Water Services Corporation (FWSC) filed its Petition to Withdraw as Receiver for Enterprise.

3. On May 6, 1998, the Commission filed its response to FWSC's Petition to Withdraw and again requested intervention.

4. The Court granted FWSC's Petition to Withdraw as Receiver for Enterprise on February 14, 2000. At that time, Volusia County was appointed as the successor receiver. The Court reserved

jurisdiction over FWSC's on all matters regarding the final accounting.

5. On January 31, 2000, the Commission issued its Order acknowledging the transfer of the receivership to Volusia County and cancelling the certificates held by Enterprise since Enterprise was no longer subject to the Commission's jurisdiction. At this time, the Commission remained in the case awaiting the final accounting regarding FWSC.

6. At the January 6, 2003, hearing it was determined that the only remaining issue is the amount of compensation due FWSC, if any, for its services as receiver. The Court also inquired whether the Commission wished to remain as a party, at which time, the Commission's counsel advised that the matter would be brought before the Commission for its consideration. The parties indicated that they had no objection to the Commission's withdrawal as a party from the case.

7. At the February 4, 2003, Agenda Conference, the Commission directed Commission counsel to seek withdrawal as a party to this matter, which was codified in Order No. PSC-03-0324-FOF-WS, issued March 6, 2003.

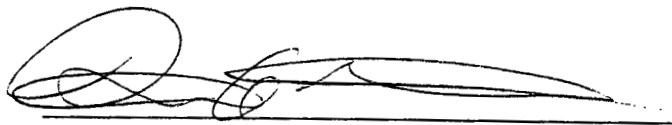
8. The Commission seeks to withdraw as a party for the following reasons:

a) Enterprise is no longer within the Commission's jurisdiction;

b) the issue of compensation for a receiver is solely within the jurisdiction of the Court; and

c) the Commission no longer has an interest to protect, thereby requiring the Commission to remain as a party to this case.

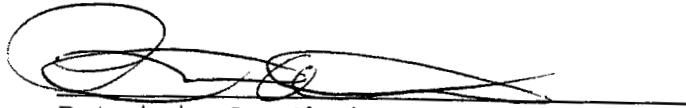
WHEREFORE, the Florida Public Service Commission respectfully requests that the Court grants its Motion to Withdraw as a party.



Patricia A. Christensen
Senior Attorney
Florida Public Service Commission
2540 Shumard Oaks Blvd.
Tallahassee, Florida 32399-0850
(850)413-6220
Florida Bar No. 989789

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing Response to Volusia County's Motion to Improve Disposition of Property, has been provided by U.S. Mail this 12th day of March, 2002, to: M. Bradley Luzcak, Esq., 558 W. New England Ave, Suite 240, Winter Park, Florida 32789-4256; C. Allen Watts, Esq., Cobb, Cole, & Bell, P.A., P.O. Box 2491, Daytona Beach, Fl 32115-2491; and Frank B. Gummey, III, Esq., 123 West Indiana Avenue, DeLand, Fl 32720-4613.



Patricia A. Christensen
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IN THE CIRCUIT COURT OF
THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY,
FLORIDA

CASE NO. 81-5258-CA-01
Division B

IN RE: ENTERPRISE UTILITIES, INC.

ORDER GRANTING FLORIDA PUBLIC SERVICE COMMISSION'S
MOTION TO WITHDRAW AS A PARTY

THIS CAUSE having come before the Court in Chambers on the Florida Public Service Commission's Motion to Withdraw as a Party, having reviewed the pleading and being fully advised in the premises, the Court finds that:

1. The Florida Public Service Commission (Commission) was granted intervention in this matter when Enterprise Utilities Corporation (Enterprise) was originally abandoned.
2. On April 24, 1998, Florida Water Services Corporation (FWSC) filed its Petition to Withdraw as Receiver for Enterprise.
3. On May 6, 1998, the Commission filed its response to FWSC's Petition to Withdraw and again requested intervention.
4. On February 14, 2000, FWSC's Petition to Withdraw as Receiver for Enterprise was granted.
5. The Commission seeks to withdraw as a party for the

following reasons:

a) Enterprise is no longer within the Commission's jurisdiction;

b) the issue of compensation for a receiver is solely within the jurisdiction of the Court; and

c) the Commission no longer has an interest to protect, thereby requiring the Commission to remain as a party to this case.

6. At the January 6, 2003, hearing, the parties indicated that they had no objection to the Commission's withdrawal as a party from the case.

Therefore, it is

ORDERED AND ADJUDGED that

Florida Public Service Commission's Motion to Withdraw as a Party is hereby granted.

DONE AND ORDERED, in Chambers, in Deland, Volusia County, Florida this ____ day of _____, 2003.

Edwin P.B. Sanders
Circuit Judge