

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of proceeding) DOCKET NO. 920318-WU
by Florida Public Service) ORDER NO. PSC-94-1264-FOF-WU
Commission to require ST. GEORGE) ISSUED: October 12, 1994
ISLAND UTILITY COMPANY, LTD. in)
Franklin County to escrow funds)
for payment of regulatory)
assessment fees.)
_____)

The following Commissioners participated in the disposition of this matter:

JOE GARCIA
JULIA L. JOHNSON

ORDER APPROVING WITHDRAWAL OF REQUEST
FOR FORMAL HEARING, RELEASING FUNDS
HELD IN ESCROW, AND CLOSING DOCKET

BY THE COMMISSION:

By Order No. PSC-92-0478-FOF-WU, issued June 9, 1992, the Commission required St. George Island Utility Company, Ltd. (St. George or utility) to remit past due regulatory assessment fees (RAFs) for 1991 and to place 4.5 percent of its monthly revenues into an interest bearing escrow account to cover prospective RAFs. Over the next eighteen months, the utility's compliance with the escrow requirement was imperfect, at best. Accordingly, by Order No. PSC-94-0088-FOF-WU, issued January 25, 1994, the Commission required St. George to show cause why it should not be fined for its failure to fund the escrow account.

On February 14, 1994, the utility filed a response to the order to show cause, which raised disputed issues of fact and law. St. George also requested a formal hearing before an impartial tribunal. Accordingly, this docket was scheduled for an administrative hearing, which is currently set for November 28, 1994.

Since that time, St. George has become current on all past due RAFs. It has also become current with regard to the RAF escrow account. Further, St. George has paid all applicable interest and penalties on the past due RAFs. By letter dated September 9, 1994, St. George withdrew its request for a formal hearing.

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Upon consideration, we find it appropriate to approve St. George's request to withdraw its demand for a formal hearing in this matter. Accordingly, the hearing scheduled for November 28, 1994, is canceled.

Moreover, since St. George has manifested a willingness to become and remain current on RAF amounts, we find that the RAF escrow account is no longer necessary. The funds in the RAF escrow account may, therefore, be disbursed to St. George.

It is, therefore,

ORDERED by the Florida Public Service Commission that St. George Island Utility Company, Ltd.'s withdrawal of its request for a formal hearing in this matter is approved. It is further

ORDERED that the hearing currently scheduled for November 28, 1994, is canceled. It is further

ORDERED that the funds currently held in the regulatory assessment fee escrow account may be disbursed to St. George Island Utility Company, Ltd. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 12th day of October, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

RJP

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.