## STATE OF FLORIDA

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



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<u>n</u>

Internet E-mail: contact@poc.st

## Public Service Commission

February 19, 1999

Ms. Nan Chapman 11430 Harder Road Clermont, Florida 34711

> RE: Docket No. 980483-WU - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc. (utility).

Dear Ms. Chapman:

This letter is a follow-up to our telephone conversations on February 3 and 10, 1999, pertaining to the above-referenced matter. During our February 3, 1999 conversation, you stated that you should have been consulted on the settlement agreement entered into by the parties and the cancellation of the hearing scheduled for January 25, 1999, because you are "one of the individuals who were overcharged by the utility."

While interested persons may participate in hearings, the parties to the case determine the course of the proceedings. Thus, the parties had the option to settle the matter and forego the hearing process, and the Commission is not required to move forward with a hearing if the parties come to a settlement agreement. To become a party, an individual must file a written petition to intervene within five days of the hearing, as explained in the notice of hearing which you received. The Commission has no record showing that you filed a petition to intervene in this case.

The records of the Commission's Division of Consumer Affairs indicate that you left messages with a representative from the Division of Consumer Affairs prior to the scheduled hearing date in this matter, stating only that you were calling in regard to the Lake Utility Services, Inc. hearing. The representative returned your calls prior to the scheduled hearing date, leaving messages for you to return his call. However, these records indicate that you did not make actual contact with the representative from the Division of Consumer Affairs until after the scheduled date of the hearing. The records also indicate that upon making contact, you stated that you were calling to inquire about the outcome of the proceeding, because you were unable to attend the hearing due to a medical appointment. Therefore, we were unaware of your interest in this matter until after the parties settled, the hearing date had been canceled, and the original hearing date had passed.

PSC Website: www.scrl.set/psc

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Unfortunately, as explained above, your opportunity to become a party to this matter has elapsed. However, a customer of a utility regulated by this Commission may file a complaint with the Division of Consumer Affairs when the individual has an unresolved dispute with the utility. Upon receipt of the complaint, a representative of the Division of Consumer Affairs will notify the utility of the complaint and request a response from the utility; investigate the complaint and attempt to resolve the dispute informally; and propose a resolution of the complaint based on the representative's findings, applicable state laws, the utility's tariff, and Commission rules, regulations, and orders. Please find enclosed a copy of Rule 25-22.032, Florida Administrative Code, which discusses the customer complaint process in more detail. If you have any questions, please contact me at (850) 413-6181.

Sincerely,

Senior Attorney

## TV/SAM/dr

cc: Division of Water and Wastewater (Willis, Rendell, Austin) Division of Consumer Affairs (Ray) Division of Records and Reporting

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