



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** DECEMBER 3, 1998

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF LEGAL SERVICES (MCRAE) *STARR*  
DIVISION OF WATER AND WASTEWATER (REDEMANN) *SCM*

**RE:** DOCKET NO. 980888-SU - APPLICATION BY RAMPART UTILITIES, INC. FOR AMENDMENT OF CERTIFICATE NO. 497-S IN CHARLOTTE COUNTY TO EXTEND TERRITORY TO SERVICE PILGRIM UNITED CHURCH OF CHRIST.

**AGENDA:** DECEMBER 15, 1998 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\980888.RCM

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### CASE BACKGROUND

On July 13, 1998, Rampart Utilities, Inc. (Rampart or utility) filed an application, pursuant to Section 367.045, Florida Statutes, to amend Wastewater Certificate 497-S to extend its territory to service Pilgrim United Church of Christ.

On July 21, 1998, Ms. Jane Bart timely filed a letter objecting to the utility's amendment application. Staff replied to Ms. Bart's objection letter on July 27, 1998, and asked if she wanted to pursue a formal hearing. Ms. Bart did not contact staff within the time period specified and did not indicate that she wanted to commence formal proceedings.

On July 23, 1998, Ms. Marge Kerr also timely submitted a letter protesting Rampart's application. Staff replied to this letter on July 27, 1998, and asked her if she wanted to initiate a

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formal hearing. Ms. Kerr did not respond to staff's letter and did not indicate that she wanted to pursue a formal hearing.

On August 24, 1998, Mr. John Alebon timely filed a letter in which he did not object to Rampart's application but stated concerns as to the affect on his rates. On September 9, 1998, staff responded to Mr. Alebon's letter and explained that customer rates would not change.

On August 6, 1998, Maple Leaf Estates Homeowners' Corporation (Maple Leaf) timely filed an objection to Rampart's proposed amendment and requested a formal proceeding pursuant to Section 367.045(4), Florida Statutes. Accordingly, a hearing was scheduled for April 21-22, 1999. No other protests were filed, and the time for filing such has expired.

On November 19, 1998, Rampart filed a notice withdrawing its application to extend its service area, stating that Pilgrim United Church of Christ withdrew its request for service. This recommendation address whether the Commission should acknowledge Rampart's Notice of Withdrawal of its application.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge Rampart Utilities, Inc.'s notice to withdraw its application to extend its service area to serve Pilgrim United Church of Christ?

**RECOMMENDATION:** Yes. The Commission should acknowledge Rampart Utilities, Inc.'s notice to withdraw its application. If Rampart's Utilities Inc.'s application is acknowledged as withdrawn, Maple Leaf Estates Homeowners' Corporation's protest to the application will be moot. (MCRAE, REDEMANN)

**STAFF ANALYSIS:** As stated earlier, Rampart filed a Notice of Withdrawal of its application to amend its wastewater certificate to extend service to Pilgrim United Church of Christ on November 19, 1998. In the past with such cases as this that have pending objections, the Commission has formally acknowledged such notices of withdrawal.

This Commission has accepted voluntary withdrawals or dismissals from applicants in the past. In In Re: Application for amendment of Certificate No. 249-S in Volusia County by North Peninsula Utilities Corporation, Docket No. 930851-SU, Order No. PSC-94-1352-FOF-SU, issued November 7, 1994, this Commission acknowledged the utility's notice to withdraw its application where the utility was not currently serving the additional territory, even though objections to the application were pending. Furthermore, in In Re: Application for amendment of Certificate No. 427-W to add territory in Parcels A, B, C, D, and E in Marion County by Windstream Utilities Company, Docket No. 960866-WU, Order No. PSC-97-0095-FOF-WU, issued January 27, 1997, this Commission acknowledged the utility's notice to withdraw its application, despite pending objections, where the Commission had not yet taken any action on the application.

This Commission has not taken any action on Rampart's application for amendment. Moreover, Rampart is not currently serving the requested territory. Also, on November 17, 1998, counsel for Rampart stated that the Pilgrim United Church of Christ withdrew its request for service because it had installed a septic tank; therefore, withdrawal of Rampart's application will not impair wastewater service for the church. Thus, staff recommends that the Commission acknowledge Rampart's notice to withdraw its application for amendment of Certificate No. 497-S to extend service to Pilgrim United Church of Christ. As a consequence of

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acknowledging the withdrawal of Rampart's application, Maple Leaf's objection to Rampart's application and request for formal hearing will be moot.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. If staff's recommendation in Issue 1 is approved, this docket should be closed because no further action is required. (MCRAE)

**STAFF ANALYSIS:** If staff's recommendation in Issue 1 is approved, Maple Leaf's objection to Rampart's application and request for formal hearing will be moot. Therefore, this docket should be closed because no further action is required.

STATE OF FLORIDA

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



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## Public Service Commission

December 3, 1998

Rampart Utilities, Inc.  
6320 Tower Lane  
Sarasota, Florida 34240-8809

Re: Docket No. 980887-SU - Application by Rampart Utilities, Inc. for amendment of Certificate No. 497-S in Charlotte County to extend territory to service San Antonio Catholic Church and

Docket No. 980888-SU - Application by Rampart Utilities, Inc. for amendment of Certificate No. 497-S in Charlotte County to extend territory to service Pilgrim United Church of Christ

To Whom It May Concern:

Enclosed are copies of the Staff Recommendations filed in the above matters on December 3, 1998. The Commission is expected to consider these Recommendations at its December 15, 1998, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, 4075 Esplanade Way, in Tallahassee beginning at 9:30 a.m. Due to the number of items to be covered at this conference, we cannot state the exact time at which these items will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of these items. If you have any questions, please feel free to call me at (850) 413-6202.

Sincerely,

A handwritten signature in cursive script that reads "Samantha A. McRae".

Samantha McRae  
Staff Attorney

SAM/lw  
cc: Division of Water and Wastewater (Redemann)