

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO: 980888-SU
ORDER NO. PSC-99-0026-FOF-SU
ISSUED: January 4, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL OF APPLICATION FOR
AMENDMENT OF CERTIFICATE NO. 497-S AND CLOSING DOCKET

BY THE COMMISSION:

On July 13, 1998, Rampart Utilities, Inc. (Rampart or utility) filed an application, pursuant to Section 367.045, Florida Statutes, to amend Wastewater Certificate No. 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. On July 23, 1998, Ms. Marge Kerr also timely submitted a letter protesting Rampart's application. Our staff replied to each objection letter on July 27, 1998, and asked if the individuals wanted to pursue a formal hearing. Neither contacted the Commission within the time period specified, and neither indicated that they wanted to commence a formal proceeding.

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 effect on his rates. On September 9, 1998, our staff responded to Mr. Alebon's letter and explained that customer rates would not change.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

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 and 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. The notice stated that Pilgrim United Church of Christ withdrew its request for service.

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, we 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, we acknowledged the utility's notice to withdraw its application, despite pending objections, where we had not yet taken any action on the application.

We have 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. Based on the foregoing, we hereby acknowledge Rampart's notice to withdraw its application for amendment of Certificate No. 497-S to extend its territory to service Pilgrim United Church of Christ.

As a consequence of acknowledging the withdrawal of Rampart's application, Maple Leaf's objection to Rampart's application and request for formal hearing is moot. Therefore, no further action is required, and this docket shall be closed.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Rampart Utilities, Inc.'s notice to withdraw its application to amend Wastewater Certificate No. 497-S to extend its territory to service Pilgrim United Church of Christ is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 4th day of January, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

