

ORIGINAL

MEMORANDUM

February 11, 1999

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JAEGER)
RE: DOCKET NO. 971401-WS - APPLICATION FOR STAFF ASSISTED
RATE CASE IN BAY COUNTY BY BAYSIDE UTILITIES, INC.

Please place the attached original NOTICE OF VOLUNTARY
DISMISSAL, dated January 20, 1999, in the docket file.

RRJ/lw

Attachment

cc: Division of Water and Wastewater (Casey, Crouch, T.Davis,
Gilchrist, Lingo, Rendell, Willis)

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
OPC _____
RCH _____
SEC L
WAS _____
OTH _____

DOCUMENT NUMBER-DATE

01937 FEB 15 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff)
 assisted rate case in Bay County)
 by Bayside Utilities, Inc.)

Docket No. 971401-WS
 Filed:

RECEIVED

FEB 01 1999

Office Of
Public CounselNOTICE OF VOLUNTARY DISMISSAL

Petitioners Tarver Kitchens, Jim Wharton and Bobby J. Pattillo, each individually in his own name, and jointly as representatives of Bayside Homeowners' Association, voluntarily dismiss their Protest of Proposed Agency Action filed on October 15, 1998, and submit:

1. On October 22, 1997, Bayside Utilities, Inc. (Bayside) filed an application for a staff-assisted rate case. On September 24, 1998, the Public Service Commission issued Proposed Agency Action Order No. PSC-98-1269-FOF-WS, which granted increased rates and charges for Bayside Utilities.

2. On October 15, 1998, the undersigned Petitioners timely protested certain portions of Order No. PSC-98-1269-FOF-WS, and petitioned for a hearing on the controverted issues. The PSC duly established the various dates for an orderly hearing process. The deadline for Bayside's testimony has passed. The utility opted not to file comprehensive testimony on the issues, but rather to allow the PSC staff to defend the substance of the PAA.

3. Notwithstanding that PSC staff will present the entire case for Bayside, Petitioners have been advised that Bayside intends to hire counsel and other consultants, and thereby incur significant rate case expense. Petitioners further have been advised that the Commission routinely passes on this rate case expense to the customers' bills.

4. The fundamental unfairness of this predicament seems self-apparent, and the Petitioners believe the PSC should re-assess its approach to such threats of rate case expense.



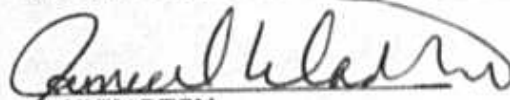
Nevertheless, the Petitioners must acknowledge the harsh reality of the present Commission policy.

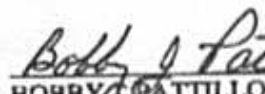
5. Accordingly, in order to prevent undue rate case expense from being levied on fellow customers, the undersigned Petitioners voluntarily withdraw their Protest.

WHEREFORE, Petitioners Tarver Kitchens, Jim Wharton and Bobby J. Pattillo hereby issue this Notice that they voluntarily withdraw their Protest of PAA Order no. PSC-98-1269-FOF-WS.

Respectfully submitted,


TARVER KITCHENS, PRESIDENT
BAYSIDE HOMEOWNERS ASSOC.


JIM WHARTON


BOBBY J. PATTILLO

**CERTIFICATE OF SERVICE
DOCKET NO. 971401-WS**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing NOTICE OF VOLUNTARY DISMISSAL has been delivered by (*)^(FAX) hand-delivery or U.S. Mail to the following parties this 20 day of JANUARY, 1999.

Robert Casey, Esquire
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Bayside Utilities, Inc.
6325 Big Daddy Drive
Panama City Beach, Florida 32407-5506


TARVER KITCHENS, PRESIDENT
BAYSIDE HOMEOWNERS ASSOC.

BAYSIDE HOMEOWNERS
C/O TARVER KITCHENS
1045 BAY CIRCLE
PANAMA CITY BEACH, FL 32407



ATTENTION: STEVE
BURGESS, JACK
SHREVE

FLORIDA PUBLIC COUNCIL
111 WEST MADISON ST
ROOM 812
TALLAHASSEE, FLORIDA
32399-1400

32399-6550 01

