

State of Florida



**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-**

RECEIVED  
MAY 31 AM 10:22  
RECORDS AND REPORTING

**DATE:** MAY 31, 2001

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

**FROM:** DIVISION OF ECONOMIC REGULATION (FLETCHER)

DIVISION OF LEGAL SERVICES (FUDGE, JAEGER)

**RE:** DOCKET NO. 010168-WU - APPLICATION FOR LIMITED PROCEEDING  
EMERGENCY, TEMPORARY, AND PERMANENT INCREASE IN WATER  
RATES TO CUSTOMERS IN SEVEN SPRINGS SERVICE AREA IN PASCO  
COUNTY, BY ALOHA UTILITIES, INC.  
COUNTY: PASCO

**AGENDA:** 6/12/01 - REGULAR AGENDA - INTERESTED PERSONS MAY  
PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\010168.RCM

**CASE BACKGROUND**

Aloha Utilities, Inc. (Aloha or utility), is a Class A water and wastewater utility in Pasco County (County). The utility consists of two distinct service areas, Aloha Gardens and Seven Springs.

On February 5, 2001, Aloha filed a limited proceeding for its Seven Springs water system. The utility requested an emergency, temporary, and permanent increase in rates due to a substantial increase in purchases of bulk water from the County. By Proposed Agency Action (PAA) Order No. PSC-01-0997-PAA-WU, issued April 23, 2001, the Commission denied this limited proceeding application. That Order was consummated by Order No. PSC-01-1124-CO-WU, issued May 16, 2001.

DOCUMENT NUMBER-DATE

06799 MAY 31 0

FPSC-RECORDS/REPORTING

DOCKET NO. 010168-WU  
DATE: May 31, 2001

On April 17, 2001, the utility filed a motion for refund of the \$2,250 filing fee submitted to the Commission for the processing of the limited proceeding application. This recommendation addresses whether the Commission should refund the filing fee submitted by the utility. The Commission has jurisdiction pursuant to Section 367.145, Florida Statutes.

DATE: May 31, 2001

**ISSUE 1:** Should the Commission refund the utility's filing fee of \$2,250?

**RECOMMENDATION:** No. The Commission should not refund the utility's filing fee of \$2,250. (FLETCHER, FUDGE, JAEGER)

**STAFF ANALYSIS:** On February 5, 2001, Aloha submitted a \$2,250 filing fee, in accordance with Rule 25-30.020(2)(g)6., Florida Administrative Code, to cover the processing of its limited proceeding application filed on the same day. By PAA Order No. PSC-01-0997-PAA-WU, issued April 23, 2001, the Commission denied this limited proceeding application. That Order was consummated by Order No. PSC-01-1124-CO-WU, issued May 16, 2001. On April 17, 2001, the utility filed a motion for refund of the \$2,250 filing fee submitted to the Commission for the processing of the limited proceeding application.

The Commission has determined whether to grant requests for refunds of this nature on a case-by-case basis. The Commission typically analyzes utility requests for filing fee refunds in terms of the amount of time and work that the Commission staff has devoted to processing the utility's application. In those cases in which the application process has been relatively simple, such as when it only involves the filing of a Case Assignment and Scheduling Record, the Commission has generally refunded the filing fee. See Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS (finding that Commission practice is to refund a filing fee if no significant time and effort have been spent on a case); and Order No. 19133, issued April 12, 1988, in Docket No. 871326-SU (directing that the filing fee be refunded, as virtually no Commission staff time or resources had been expended). However, where significant time has been expended, the Commission has denied refund of the filing fee. See Order No. PSC-99-1908-FOF-WU, issued September 27, 1999, in Docket No. 981343-WU; and Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS.

Based on our review, the Commission staff from the Divisions of Economic Regulation and Legal Services have spent approximately 205 hours on this docket. The time spent predominantly involved a through analysis of the appropriateness of the utility's application for a limited proceeding for the Seven Springs water system. Staff notes that the approximate 205 hours of time spent by staff spans from the February 5, 2001 filing date of the limited proceeding application to the May 31, 2001 filing date of this recommendation. Staff also notes that the 205 hours does not include time spent on this docket by the Commissioners, and the Commissioners' aides, and the Division of Records and Reporting.

DOCKET NO. 010168-WU

DATE: May 31, 2001

Based on the above, staff believes that the time and effort spent on this docket is significant. Therefore, staff recommends that the Commission should not refund the utility's filing fee.

DOCKET NO. 010168-WU  
DATE: May 31, 2001

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

**RECOMMENDATION:** Yes, no further action is required and this docket should be closed. (FUDGE, JAEGER)

**STAFF ANALYSIS:** No further action is required and this docket should be closed.