

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Robert and Ruth Lawrence against Terra Mar Village Utilities, Inc., regarding termination of water and wastewater service in Volusia County.

DOCKET NO. 980163-WS
ORDER NO. PSC-99-0747-FOF-WS
ISSUED: April 19, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING WITHDRAWAL OF COMPLAINT AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Terra Mar Village Utilities, Inc. (Terra Mar or utility) is a Class C water and wastewater utility in Volusia County, which currently provides service to approximately 250 water and 253 wastewater customers. Pursuant to a staff-assisted rate case, we granted the utility rate relief by Order No. PSC-95-0722-FOF-WS, issued June 19, 1995, in Docket No. 941084-WS. On March 6, 1997, we received a written protest of Order No. PSC-95-0722-FOF-WS from Mr. Robert Lawrence, a customer of the utility. On November 24, 1997, the Office of Public Counsel (OPC) submitted additional information from Mr. Lawrence regarding his complaints on actions taken by Terra Mar. OPC, on behalf of Mr. Lawrence, requested that a docket addressing the complaints be opened so that Mr. Lawrence could have an opportunity for a hearing.

Mr. Lawrence protested the PAA Order with regard to findings related to the disconnection of his water and wastewater service by Terra Mar. Mr. Lawrence alleged that our findings were not supported by the facts and substantially affected his claim for damages from Terra Mar. Therefore, he requested a hearing to

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determine whether the disconnection of his water service by Terra Mar on September 27, 1994 was proper.

By Order No. PSC-98-0266-FOF-WS, we dismissed Mr. Lawrence's protest of Order No. PSC-95-0722-FOF-WS finding that it was untimely as filed. Nevertheless, we ordered that a formal complaint docket be opened to address Mr. Lawrence's concerns. Therefore, this docket was opened for that purpose, listing Mr. Lawrence and his wife, Ruth, as the complainants.

On April 14, 1998, our staff held an informal meeting with the parties at the Volusia County Public Library, in Edgewater, Florida. The purpose of this meeting was to gather information from the parties and attempt to resolve this matter without further action. In addition to the parties and our staff, a representative from OPC and numerous Terra Mar customers were also in attendance. By Order No. PSC-98-1578-PCO-WS, issued November 24, 1998, we found that Terra Mar properly disconnected Mr. and Mrs. Lawrence's water and wastewater service and gave them proper notice of disconnection. By that Order, we also set this matter for hearing.

Because the issues to be decided at hearing were primarily factual, this docket was referred to the State of Florida Division of Administrative Hearings (DOAH) on December 14, 1998, for a formal hearing. However, on January 8, 1999, Mr. and Mrs. Lawrence provided DOAH a letter indicating that they were withdrawing from any further DOAH proceedings at the advice of their attorneys. Therefore, on January 14, 1999, DOAH entered an order dismissing the Lawrences' complaint, relinquishing jurisdiction to this Commission and closing the DOAH file. A copy of the DOAH order, which includes a copy of the Lawrences' letter, is attached to this Order as Attachment A which, by reference, is incorporated herein. Because Mr. and Mrs. Lawrence withdrew their complaint, no further action is required in this docket. Accordingly, we find it appropriate to acknowledge the withdrawal of Mr. and Mrs. Lawrence's complaint and to close this docket.

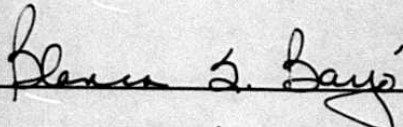
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the withdrawal of Mr. and Mrs. Lawrence's complaint, attached to this Order as part of Attachment A which, by reference, is incorporated herein, is hereby acknowledged. It is further

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ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 19th
day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

TV

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

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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.

480163-WS
ORIGINAL

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ROBERT and RUTH LAWRENCE,
Petitioners,

vs.

TERRA MAR VILLAGE
UTILITIES, INC.,
Respondent.

Case No. 98-5499

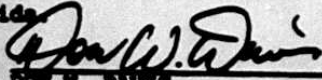
**ORDER CLOSING FILE
AND RELINQUISHING JURISDICTION**

By documentation filed January 11, 1999, Petitioners have withdrawn from any further proceedings in this cause in this forum. A copy of Petitioners' pleading is attached hereto, incorporated by this reference herein and designated as Exhibit A to this order.

In view of the foregoing, it is ORDERED that the file of the Division of Administrative Hearings in this case is closed, further proceedings in this forum are dismissed, and jurisdiction is relinquished to the referring agency.

- JK _____
- KA _____
- KP _____
- AF _____
- MU _____
- TR _____
- VG _____
- EG _____
- FC _____
- CH _____
- EC _____
- AS _____
- TH _____

DONE AND ORDERED this 13th day of January, 1999, in Tallahassee, Leon County, Florida


DON W. DAVIS
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9575
Fax Filing (850) 921-6847
www.doah.state.fl.us

DOCUMENT NUMBER-DATE
00544 JAN 14 99
PSC-RECORDS-REPORTING

EDGEWATER, FLORIDA 32141-7368
(904) 345-0469
JANUARY 8, 1999

98-5499 AWD

ATTENTION

ON W. DAVIS, ADMINISTRATIVE LAW JUDGE
DIVISION OF ADMINISTRATIVE HEARINGS
THE DESOTO BUILDING
230 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-3060

99 JAN 11 PM 1:08
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 01/11/99 BY 1043/STP/STP

SUBJECT : YOUR LETTER OF REQUEST DATE JAN. 5 1999

ANSWER : THE UNDERSIGNED HAD A CONFERENCE WITH OUR LEGAL
FIRM ON TUESDAY JANUARY 5, 1999 AND THE ATTORNEYS
PRESENT ADVISED THAT WE WITHDRAW FROM ANY FURTHER
PROCEEDINGS WITH THE DOAH. OUR FAILING HEALTH
AND EXCESSIVE COSTS FORCE US TO HEREBY WITHDRAW.

DONE AND ORDERED THIS 8TH DAY OF JANUARY, 1999 IN
VOLUSIA COUNTY, FLORIDA

Robert A. Lawrence
Ruth C. Lawrence