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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: Application of)
NORTH FORT MYERS UTILITY, INC.)
for extension of wastewater)
service in Lee County, Florida.)
_____)

RECORDS AND REPORTING

Docket No. 981781-SU

EMERGENCY MOTION TO CHARGE RATES
SUBJECT TO REFUND AND TO EXPEDITE
RESCHEDULING OF FINAL HEARING

Applicant, NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys, files this Emergency Motion to Charge Rates Subject to Refund and to Expedite Rescheduling of Final Hearing, and in support thereof states:

1. This matter was scheduled for Final Hearing on September 14, 1999 in Fort Myers, Florida, on whether the Settlement Agreement entered into between NFMU and the Office of Public Counsel ("OPC") should be approved. An integral provision of the Settlement Agreement is that NFMU bill the new customers beginning with wastewater service rendered on and after September 1, 1999,

which NFMU would bill in early October, 1999. In the Prehearing Order, the Commission had put the parties on notice that it may render a decision after hearing the evidence at the Final Hearing.

2. Due to the threat of Hurricane Floyd, the Commission

_____ canceled the September 14, 1999 Final Hearing, and as of this date,

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FPSC-BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

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NFMU is unaware as to when the Final Hearing will be rescheduled.

3. NFMU's ability to implement its rates effective September 1, 1999, and to begin collecting them in a timely manner is in question unless the Commission is able to reschedule the Final Hearing within the next two weeks.

4. Obviously, if NFMU is allowed to collect rates prior to the Commission entering a Final Order, then NFMU will provide adequate security for a refund, if necessary, in accordance with the Staff's recommendation at the September 7, 1999 agenda conference.

5. In order to facilitate the rescheduling of the Final Hearing, NFMU will make its attorneys and witness available on the weekend. Another option would be to have the Final Hearing by teleconference with the Commissioners in Tallahassee and the witness presentation in Fort Myers.

6. Due to this situation caused by an act of God and outside of the control of the Commission or the parties, NFMU requests that the Prehearing Officer or the Commission panel consider the request for temporary rates prior to the next agenda, which NFMU understands to be October 5, 1999.

WHEREFORE, NFMU requests this Commission enter an Order allowing it to impose its rates upon the residents of Buccaneer

Estates effective with service rendered on and after September 1, 1999, subject to refund, and to reschedule the Final Hearing on an expedited basis.

Respectfully submitted on this
15th day of September, 1999, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blaiirstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555

By: 
MARTIN S. FRIEDMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded via U.S. Mail to Steve Reilly*, Esquire, Office Of Public Counsel, 111 West Madison Street, Suite 812, Tallahassee, FL 32301-1906, Jennifer Brubaker*, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, Ronald & Gwen Ludington, 509 Avanti Way, North Fort Myers, FL 33917, Joseph Devine, 688 Brigantine Boulevard, North Fort Myers, FL 33917 and Donald Gill, 674 Brigantine Boulevard, North Fort Myers, FL 33917 on this 15th day of September, 1999.


MARTIN S. FRIEDMAN

*Also by fax

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