

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of)	DOCKET NO. 880294-WS
Certificates Nos. 416-W AND 351-S and)	
majority organizational control of)	ORDER NO. 20940
FOX RUN UTILITIES, INC. to SOUTHERN)	
STATES UTILITIES, INC.)	ISSUED: 3-27-89
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING EXTENSION OF TIME

BY THE COMMISSION:

On April 7, 1987, Chester W. Cook, Jr., President of Fox Run Utilities, Inc. (Fox Run) served a notice of intent to abandon Fox Run, pursuant to Section 367.165, Florida Statutes, on June 6, 1987. On May 29, 1987, Southern States Utilities, Inc. (Southern States) and Fox Run entered into a tentative agreement for Southern States to purchase Fox Run. On June 3, 1987, Fox Run served a notice extending the effective date of its abandonment from June 6 until July 21, 1987. On July 16, 1987, Fox Run served notice of a further extension of six months on its abandonment in order to resolve certain matters so that the proposed sale to Southern States could be consummated.

On February 22, 1988, Southern States filed an application for the transfer of Certificates Nos. 416-W and 351-S. Based upon the proposed transfer, Fox Run withdrew its notice of abandonment. By Order No. 19129, issued April 11, 1988, we acknowledged Fox Run's withdrawal of its notice of abandonment.

By Order No. 19860, issued August 22, 1988, this Commission approved the transfer and set rate base for the sewer system. We did not establish a rate base for the water system due to the poor quality of the water. Instead, we required Southern States to provide an engineering report, within ninety days of the date of Order No. 19860, detailing all of the possible solutions to the water problems, the cost of each option, the effect that each option would have on rates and Southern States' reason for selecting one of these options. We further ordered Southern States to consider, as an option, an emergency or permanent interconnection with Martin Downs Utilities, Inc.

Southern States' submitted its engineering report in a timely fashion. Its report addressed four alternatives for improving the quality of water. Following discussions of these alternatives with Southern States, the staff of this Commission (Staff) has raised some questions regarding the estimated costs of at least two of the alternatives. Since these questions have arisen, Southern States has requested that we grant it an extension of time, until April 24, 1989, to provide additional data regarding these alternatives and their costs. Southern States' request appears reasonable, however, we have been informed that Southern States is currently under a Consent

DOCUMENT NUMBER-DATE

03140 MAR 27 1989

FPSC-RECORDS/REPORTING

ORDER NO. 20940
DOCKET NO. 880294-WS
PAGE 2

Order from the Department of Environmental Regulation (DER) regarding the quality of water at Fox Run. If we grant Southern States' request for an extension of time, the time schedule for this docket would conflict with the time schedule established under the Consent Order. Therefore, we have contacted the West Palm Beach and Port St. Lucie offices of DER to inquire whether it could allow additional time to explore the various alternatives without disturbing the substance of the Consent Order. DER is willing to allow more time, provided that Southern States moves ahead with the improvements once the alternatives have been evaluated.

We find that an extension of time for Southern States to provide additional information regarding the various options and the costs thereof appears to be appropriate under the above-described circumstances. Southern States' request is, therefore, granted.

It is, accordingly,

ORDERED by the Florida Public Service Commission that the request by Southern States Utilities, Inc. for an extension of time to file additional information regarding various options for improving water quality and the costs thereof is hereby granted. It is further

ORDERED that Southern States Utilities, Inc. shall submit the information discussed herein to this Commission no later than April 24, 1989.

By ORDER of the Florida Public Service Commission,
this 27th day of MARCH, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

ORDER NO. 20940
DOCKET NO. 880294-WS
PAGE 3

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 or sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.