

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of OCALA OAKS)	DOCKET NO. 881098-WU
UTILITIES, INC. for a rate increase)	ORDER NO. 21831
in Marion County.)	ISSUED: 9-5-89
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTESTS,
 DECLARING ORDER NO. 21349 TO BE FINAL AND EFFECTIVE,
 AND CLOSING DOCKET

BY THE COMMISSION:

Ocala Oaks Utilities, Inc., (Ocala Oaks or the utility) is a water utility located in Marion County which provides water service to 939 customers. It is a large Class C utility with net operating income and gross revenue for the test year ended December 31, 1987, of (\$7,581) and \$153,739, respectively. On December 19, 1988, Ocala Oaks filed an application for increased water rates. We began an investigation into the utility's quality of service, rates, and other matters at that time. At our May 16, 1989, Agenda Conference, we determined that the utility was entitled to an increase in its annual water revenues of \$43,535 (28.32%) for total annual revenues of \$197,274. On June 7, 1989, we issued proposed agency action Order No. 21349 approving this increase for the utility.

During the protest period, we received timely protests to that Order from nine customers of the utility. We then scheduled the matter for a full evidentiary hearing on September 7 and 8, 1989. However, we received a letter dated July 26, 1989, wherein all of the customers advised us that they wished to withdraw their protests. In consideration of the foregoing, we find it appropriate to declare Order No. 21349 revived and a final agency action of this Commission.

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The water service rates shall be effective for meters read on or after thirty days from the stamped approval date on the revised water service tariff sheets, and the plant capacity charge of \$200 per equivalent residential connection (ERC) shall be effective for connections made on or after the stamped approval date on the revised service availability charge tariff sheet. The revised tariff sheets will be approved upon our verification that they are consistent with our decision and that the proposed customer notice is adequate.

No further action is required, therefore, this docket is hereby closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that proposed agency action Order No. 21349, issued June 7, 1989, is hereby revived and declared to be final and effective because the protests to it have been withdrawn. It is further

ORDERED that the approved water service rates shall be effective for meters read on or after thirty days from the stamped approval date on the revised tariff sheets and the approved service availability charges shall be effective for connections made on or after the stamped approval date on the revised tariff sheets. It is further

ORDERED that the revised tariff sheets shall be approved upon our verification that the tariffs are consistent with our decision and that the proposed customer notice is adequate. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission
 this 5th day of September, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

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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.

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 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 or sewer 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 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.