

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 900757-SU
increase in Collier County by) ORDER NO. PSC-92-0507-FOF-SU
NAPLES SEWER COMPANY, d/b/a) ISSUED: 06/16/92
NAPLES INDUSTRIAL PARK, LTD.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER CLOSING DOCKET

BY THE COMMISSION:

Naples Sewer Company (NSC or utility) met the minimum filing requirements (MFRs) for a rate increase on April 23, 1991; that date, therefore, became the official date of filing for this case.

In addition to its request for increased final wastewater rates, NSC requested higher interim wastewater rates. By Order No. 24737, issued July 1, 1991, we authorized NSC to collect, subject to refund, interim wastewater rates designed to generate \$143,646 in annual revenues, a 113% increase over interim test year revenues. Interim rates were secured by a letter of credit.

A formal administrative hearing at which we would consider NSC's rate request was scheduled for September 5, 1991. However, by Order No. 24922, issued August 16, 1991, we dismissed NSC's rate case because NSC did not comply with the noticing requirement of Rule 25-22.0406(5), Florida Administrative Code, and, thus, denied its customers procedural due process. We further ordered that any interim revenues collected by NSC be refunded with interest.

NSC appealed to the First District Court of Appeal (First DCA) our Order dismissing its case, as well as our Order denying reconsideration and a premature request for a stay. Several months later, NSC filed a Notice of Dismissal of its appeal, and on March 6, 1992, the First DCA entered an Order dismissing NSC's appeal. In the face of a recommendation that we take various actions against NSC regarding the refund, NSC agreed in writing to concessions.

DOCUMENT NUMBER-DATE

06240 JUN 16 1992

FPC-RECORDS/REPORTS

ORDER NO. PSC-92-0507-FOF-SU
DOCKET NO. 900757-SU
PAGE 2

By Order No. PSC-92-0192-FOF-SU, issued April 13, 1992, we ordered NSC to cease collecting any interim rates, ordered it to refund the interim rates already collected and file the appropriate reports by the date it had agreed to, April 23, 1992, and we acknowledged NSC's extension on the letter of credit which secured the subject refund.

Subsequent to that Order, NSC sent us the information necessary to verify completion of the refund. We have confirmed the correctness of the total refund required and the amount to be refunded to each customer. The amounts on the refund checks match the amounts we believe each customer was entitled to. In addition, to confirm that the refund was completed, we contacted numerous customers and verified that they received their refund checks.

In consideration of the foregoing, we believe that the utility has satisfactorily completed the required refund. No further action in this docket need be taken, so the docket may be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that this docket be closed.

By ORDER of the Florida Public Service Commission, this 16th day of June, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Henson
Chief, Bureau of Records

MJF

ORDER NO. PSC-92-0507-FOF-SU
DOCKET NO. 900757-SU
PAGE 3

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.