

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 930822-WU
Proceedings Against TERRA MAR) ORDER NO. PSC-94-0265-FOF-WU
VILLAGE (RIVER PARK) in Volusia) ISSUED: March 8, 1994
County for Failure to Provide)
Adequate Water Service.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER IMPOSING FINE FOR FAILURE TO PROVIDE
ADEQUATE WATER SERVICE

AND

SUSPENDING FINE FOR TWELVE MONTHS

BY THE COMMISSION:

Terra Mar Village (Terra Mar or utility) is a Class C utility providing water and wastewater service to 259 customers in Volusia County. On December 22, 1992, Mr. Bernard Covington, Terra Mar's owner, entered into a Consent Agreement with Volusia County Public Health Unit (VCPHU). This agreement, among other things, included corrective orders for certain violations, a \$900 settlement for these violations, and a schedule of deadlines establishing reasonable limits for the correction of Terra Mar's deficiencies. Terra Mar never met these deadlines, even after VCPHU allowed the utility extra time.

On May 21, 1993, 177 persons served by the utility petitioned this Commission to require the utility to either supply its customers with potable water, or make monetary reimbursements to each customer for out-of-pocket expenses incurred while obtaining bottled water.

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On September 10, 1993, as a result of a foreclosure proceeding against Mr. Covington, Judge William Johnson appointed Mr. Gerald Potts as the utility's receiver.

On September 29, 1993, this Commission issued Order No. PSC-93-1414-FOF-WU, which ordered Terra Mar to show cause why it should not be fined for failure to provide adequate water service to its customers.

Subsequently, Mr. Potts contacted this Commission several times requesting that any fine be held in abeyance pending completion of the required improvements. Mr. Potts has met with the VCPHU, and both decided that a new agreement should be signed stating that Mr. Potts is to assume all responsibilities which Mr. Covington had agreed to in the Covenant Agreement of December 22, 1993. On December 9, 1993, the signing of the new agreement was deferred due to the City of Edgewater's plans to extend a water main to the Terra Mar area. Mr. Potts also appears to be working diligently to provide potable drinking water to the utility's customers.

Based on the foregoing, a \$5,000 fine is imposed on Terra Mar, but it shall be suspended for twelve months to allow Terra Mar additional time to satisfy VCPHU requirements and/or to interconnect with the City of Edgewater. Should either occur within that twelve months, the fine shall be permanently suspended.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Terra Mar Village, 4383 U.S. 1 South, Edgewater, Florida 32141-7346, be fined \$5,000 for failing to provide adequate water service to its customers. It is further

ORDERED that this fine is suspended for twelve months to allow Mr. Potts time to satisfy Volusia County Public Health Unit's requirements, and/or for Terra Mar Village to interconnect with the City of Edgewater. It is further

ORDERED that this docket remain open for twelve months for this Commission to verify Terra Mar Village's compliance with this Order.

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By ORDER of the Florida Public Service Commission, this 8th
day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MSN/JBL

by: Kay J. Jenson
Chief, Bureau of Records

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.