

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application to Modify) DOCKET NO. 931216-WS
Service Availability Charges in) ORDER NO. PSC-94-0524-FOF-WS
Collier County by ORANGE TREE) ISSUED: May 2, 1994
UTILITY COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER SUSPENDING SERVICE AVAILABILITY CHARGES

BY THE COMMISSION:

Orange Tree Utility Company (Orange Tree or utility) is a Class C utility providing water and wastewater service for 122 water and 122 wastewater customers in Collier County. According to its 1992 Annual Report for the twelve months ending December 31, 1992, the utility recorded operating revenues of \$25,086.13 and \$27,809.62 for water and wastewater, respectively. The utility reported a net operating loss of \$64,186.51 for water and \$10,833.59 for wastewater. Also, the utility is in a designated critical water use area.

On December 20, 1993, the utility filed this application for approval to modify its service availability charges and February 8, 1994 was established as the official filing date. The utility's present service availability fees were established in Order No. 17614, issued May 26, 1987. There have been no changes in the service availability charges since the initial fees were approved.

The utility is requesting the following changes in its service availability charges: to decrease its water plant capacity fee from \$320 to \$281 per equivalent residential connection (ERC), and increase its wastewater plant capacity fee from \$200 to \$2,834 per ERC; and, to increase its meter installation fee from \$100 to \$187 for each 5/8" X 3/4" meter, and from \$130 to \$262.82 for each 1" meter. In addition, it requests to initiate the following customer connection (tap-in) charges: 3/4" meter-short line, \$270.27; 3/4" meter-long line, \$320.27; 1" meter-short line \$280.12; and, 1" meter-long line, \$330.12. No other changes are being requested.

DOCUMENT NUMBER-DATE

04105 MAY-25

FPSC-RECORDS/REPORTING

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A formal complaint is being processed in Docket No. 940056-WS, filed against this utility by Naples Orangetree Ltd. (Naples) for failure to provide service to a development of 21 developed lots named Lake Lucerne. Naples is owned by Mr. Amnon Golan, the complainant, who is also an intervenor in this service availability filing.

Pursuant to Sections 367.101 and 367.091(5), Florida Statutes, Orange Tree has filed for substantial increases as well as rate structure changes which will allow it to increase plant capacity, meter installation, and tap-in fees. The charges are presented on proposed revised tariff sheets. Additional time to verify the appropriateness of the utility's proposed charges is needed.

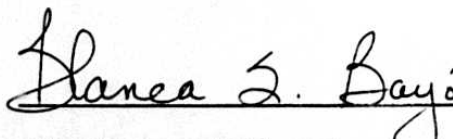
Section 367.091(5), Florida Statutes, provides that the Commission may withhold consent to the implementation of the new rate by a vote within 60 days, giving a reason or statement of good cause for withholding consent. If the Commission does not withhold consent, the new rate schedules may be assumed in effect after 60 days. Because we have not completed our analysis of the utility's tariff filing, we find it appropriate to suspend Orange Tree's proposed service availability charges pending further investigation.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Orange Tree Utility Company's tariff filing containing proposed increases in service availability charges is hereby suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 2nd day of May, 1994.



BLANCA S. BAYÓ, 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 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 wastewater 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.