

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a 1993 ) DOCKET NO. 931047-WS  
price index rate adjustment in ) ORDER NO. PSC-95-0267-FOF-WS  
Pasco County by SHADY OAKS ) ISSUED: February 28, 1995  
MOBILE-MODULAR ESTATES, INC. )  
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The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING UTILITY'S INDEX INCREASE  
AND CLOSING DOCKET

BY THE COMMISSION:

Shady Oaks Mobile-Modular Estates, Inc. (Shady Oaks or Utility) is a Class C water and wastewater utility located in Pasco County. The service area is a mobile-modular home park developed in 1971; the utility provides service to 181 customers in a 242 lot park. Based on information contained in the utility's 1992 annual report, the water system generated operating revenues of \$21,899 and incurred operating expenses of \$35,756, resulting in a net operating loss of \$13,857. The wastewater system generated operating revenues of \$43,467 and incurred operating expenses of \$38,899, resulting in a net operating income of \$4,568.

On September 23, 1993, the Commission, pursuant to Section 367.111(1), Florida Statutes, and in accordance with Order No. PSC-93-0542-FOF-WS, issued April 9, 1993, noticed its Intent to Initiate Revocation of Certificates Nos. 451-W and 382-S issued to Shady Oaks. On October 18, 1993, Shady Oaks timely filed an objection to the Notice. Accordingly, this matter was scheduled for an administrative hearing.

By Order No. PSC-93-1792-FOF-WS, issued December 15, 1993, we approved a price index adjustment for Shady Oaks contingent upon the utility obtaining proper security for a potential refund pursuant to Section 367.081(4)(a), Florida Statutes. The utility never obtained the appropriate security and the price index increase was therefore never implemented.

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This Commission held the revocation hearing on August 4, 1994, in Zephyrhills, Florida. After hearing all of the evidence presented at the hearing, we found that it was appropriate to make a bench decision regarding this matter. By Order No. PSC-94-0976-FOF-WS, issued August 11, 1994, we memorialized our decision to revoke Certificates Nos. 451-W and 382-S, issued to Shady Oaks Mobile-Modular Estates, Inc.

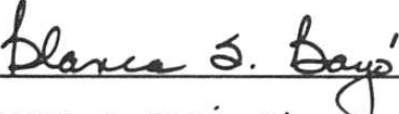
As stated earlier, the security for the index increase was never obtained, and the price index increase was never implemented. Since then, we have revoked the utility's certificates. The utility is currently being operated by a receiver, Pasco County. Therefore, we find it appropriate to now deny the price index increase. Since no further action is required, this docket shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Shady Oaks Mobile-Modular Estates, Inc.'s request for a price index increase, pursuant to Section 367.081(4)(a), Florida Statutes, is hereby denied because the security required by Order No. PSC-93-1792-FOF-WS was never obtained. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 28th day of February, 1995.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

LAJ

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 and/or wastewater 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.