

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of ) DOCKET NO. 950670-SU  
revision to tariff to include ) ORDER NO. PSC-95-1031-FOF-SU  
charge for 2-1/2 inch meter in ) ISSUED: August 21, 1995  
Collier County by Eagle Creek )  
Utility II, 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 SUSPENDING TARIFF

BY THE COMMISSION:

BACKGROUND

Eagle Creek Utility II, Inc. (Eagle Creek or utility) is a Class C wastewater utility located in Collier County. The utility provides wastewater service to approximately 240 residential customers and seven general service customers. Eagle Creek is wholly owned by Eagle Creek Holdings. Eagle Creek Utility Company (Eagle Creek Utility) was granted Certificate No. 406-S on October 5, 1987. By Order No. 19721, issued July 26, 1988, this Commission approved the transfer of Certificate No. 406-S from Eagle Creek Utility Company to Eagle Creek.

The utility provides service to Eagle Creek subdivision, which is composed of 240 residential connections that consist of single family homes, patio styled homes and multi-residential units. In addition to the residential connections, the utility also provides service to 7 general service customers, which include a clubhouse, tennis center, maintenance building, gatehouse, administration building, sales building and condominium. We granted the utility a 1991 index and pass-through rate increase in May 1992.

In Docket No. 920344-SU, the utility applied for a staff-assisted rate case. By Order No. PSC-92-1446-FOF-SU, issued December 14, 1992, we approved a 8.44% increase in revenue for the utility and the rate became effective on January 5, 1993. On

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June 6, 1995, Eagle Creek submitted this request to revise its tariff to include charges for a 2 1/2 inch meter.

SUSPENSION

Pursuant to Section 367.091(5), Florida Statutes, the rate schedules proposed by the utility shall become effective within sixty days after filing, unless the Commission votes to withhold consent to implementation of the requested rates.

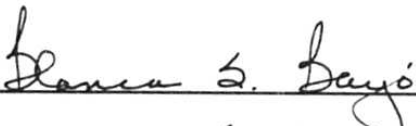
As stated earlier, on June 6, 1995, Eagle Creek requested a revision in its tariff to include charges for a 2 1/2 inch meter. Order No. PSC-92-1446-FOF-SU, issued December 14, 1992, approved the existing tariff for the utility. The utility later notified us that there was a question on the meter size being 2 inch or 2 1/2 inch in size. The utility stated that the backflow device that connected the meter was 2 1/2 inches, but it was uncertain whether the meter was the same size. We have made several attempts to obtain clarification on the utility's request; however, the utility has not responded to our inquires on the exact size of the meter. Therefore, we find it appropriate to suspend this tariff. This docket shall remain open pending further investigation of the actual size of the meter.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Eagle Creek Utility II, Inc.'s tariff for a 2 1/2 inch meter is hereby suspended. It is further

ORDERED that this docket shall remain open pending further investigation of the actual size of the meter.

By ORDER of the Florida Public Service Commission, this 21st day of August, 1995.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )  
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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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 11, 1995.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the date this Order becomes final, 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.