

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of ) DOCKET NO. 960376-WS  
bulk service agreement with ) ORDER NO. PSC-96-0864-FOF-WS  
Morrison Homes of Florida, Inc. ) ISSUED: July 2, 1996  
in Citrus County by Rolling Oaks )  
Utilities, Inc. )  
\_\_\_\_\_ )

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

NOTICE OF PROPOSED AGENCY ACTION

ORDER GRANTING REQUEST FOR APPROVAL OF BULK SERVICE AGREEMENT AND AMENDMENT TO AGREEMENT FOR PROVISION OF POTABLE WATER SUPPLY AND SANITARY SEWAGE TREATMENT AND DISPOSAL

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

Rolling Oaks Utilities, Inc. (Rolling Oaks or utility) is a Class B utility providing water and wastewater service in Citrus County. Rolling Oaks is located in a Water Use Caution Area as designated by the Governing Board of the Southwest Florida Water Management District. The utility provides approximately 5,661 customers with water and 4,195 customers with wastewater service. In 1995, Rolling Oaks reported operating revenues of \$750,793 and \$1,000,010 and a net operating income of \$22,227 and \$166,907, for its water and wastewater systems, respectively.

On February 8, 1995, a Special Service Availability Agreement between Rolling Oaks and George Wimpey of Florida, Inc. (Wimpey agreement), was filed with the Commission, pursuant to Section 367.101, Florida Statutes. The Wimpey agreement consisted of a

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FPSC-RECORDS/REPORTING

Bulk Service Agreement and an Amendment to Agreement for Provision of Potable Water Supply and Sanitary Sewage Treatment and Disposal, both dated December 23, 1994. Along with the Wimpey agreement, the utility requested approval for a new class of service to provide bulk service, and a proposed tariff sheet, pursuant to the provisions of the agreement. On February 16, 1995, the request was docketed.

By Order No. PSC-95-0730-FOF-WS, issued June 20, 1995, in Docket No. 950186-WS, we denied the Wimpey agreement, new class of service, and proposed tariff sheet. By that order, we outlined those aspects of the Wimpey agreement that were acceptable, as well as those that were not acceptable. On February 20, 1996, a revised bulk service agreement was submitted. By Order No. PSC-96-0596-FOF-WS, issued May 7, 1996, in Docket No. 950186-WS, we approved the Wimpey agreement, the request for a new class of service to provide bulk service, and the tariff sheet.

#### Morrison Agreement

On March 14, 1996, a Bulk Service Agreement and an Amendment to Agreement for Provision of Potable Water Supply and Sanitary Sewage Treatment and Disposal was filed between Rolling Oaks and Morrison Homes of Florida, Inc. (Morrison agreement) pursuant to Rule 25-30.550(1), Florida Administrative Code. The Morrison agreement is identical to the Wimpey agreement which was pending approval in Docket No. 950186-WS at the time the Morrison agreement was filed. Since a decision was pending on Rolling Oaks' request for a new class of service to provide bulk service pursuant to the Wimpey agreement, our staff could not administratively approve the Morrison agreement. In compliance with Rule 25-30.550(1), Florida Administrative Code, by letter dated March 25, 1996, our staff notified the parties of its inability to administratively approve the agreement and that a docket would be opened for a decision by the Commission on the request for approval of the agreement. A docket was opened on March 26, 1996.

Because we find that it conforms with the new class of service to provide bulk service and the tariff sheet approved by Order No. PSC-96-0596-FOF-WS, we hereby approve the Morrison agreement.

This docket shall be closed if no person whose interests are substantially affected by the proposed action issued herein files a protest within the twenty-one day protest period.

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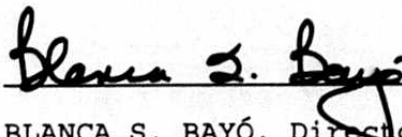
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Rolling Oaks Utilities, Inc.'s, request for approval of Bulk Service Agreement and Amendment to Agreement for Provision of Potable Water Supply and Sanitary Sewage Treatment and Disposal with Morrison Homes of Florida, Inc., is hereby granted. It is further

ORDERED that the provisions of this order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 2nd day of July, 1996.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

RGC

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.

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The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 July 23, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective on the date described above, any party substantially 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 effective date 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.