

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of
late payment charge in Gulf
County by Gulf Aire Properties,
Inc. d/b/a Gulf Aire Wastewater
Treatment Plant.

DOCKET NO. 971441-SU
ORDER NO. PSC-97-1616-FOF-SU
ISSUED: December 24, 1997

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING TARIFF IMPLEMENTING
A LATE PAYMENT CHARGE

BY THE COMMISSION:

BACKGROUND

Gulf Aire Properties, Inc. d/b/a Gulf Aire Wastewater Treatment Plant (Gulf Aire or utility) is a Class C wastewater only utility providing service to approximately 215 customers in Gulf County. According to its 1996 annual report, the utility recorded revenues of \$78,000, expenses of \$69,675 resulting in income of \$9,125.

On November 3, 1997, the utility filed an application requesting the approval of a \$3.00 late payment charge. The utility provided cost justification for the requested \$3.00 late payment charge. Gulf Aire believes that this charge will not only provide an incentive for customers to make timely payments, thereby reducing the number of delinquent accounts, but also to place the cost burden of processing such delinquent notices and accounts squarely upon those who are the causers.

We have previously approved late payment charges for other wastewater utilities. We believe that the general body of ratepayers should not be required to cover costs associated with

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late payment customers. Therefore, we find it appropriate to approve the utility's request for a late payment fee of \$3.00. This fee shall be assessed after the twentieth day of the billing cycle so that the costs for processing delinquent notices and accounts are paid by those customers that are late payers.

The utility shall submit a proposed customer notice reflecting the implementation of a \$3.00 late charge for our approval. The new late payment contained in the revised tariff sheet shall become effective on or after the stamped approval date on the revised tariff sheet pursuant to Rule 25-30.475(1), Florida Administrative Code, provided customers have received notice. The utility shall provide proof of the date notice was given within 10 days after the date of notice. In the event a protest is filed within 21 days of the issuance of the Order, this tariff shall remain in effect subject to refund pending resolution of the protest. If no timely protest is filed, this docket shall be closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gulf Aire Properties, Inc. d/b/a Gulf Aire Wasterwater Treatment Plant's tariff filing to implement a late payment charge in the amount of \$3.00 to be assessed after the twentieth day of the billing cycle is hereby approved. It is further

ORDERED that Gulf Aire Properties, Inc. d/b/a Gulf Aire Wastewater Treatment Plant shall submit a proposed customer notice for approval. It is further

ORDERED that the tariff shall become effective on or after the stamped approval date on the revised tariff sheets, provided customers have received notice. It is further

ORDERED that Gulf Aire Properties, Inc. d/b/a Gulf Aire Wastewater Treatment Plant, shall provide proof of the date notice was given within 10 days after the date of notice. It is further

ORDERED that in the event that a protest is filed within 21 days of the issuance of this Order, this tariff shall remain in

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effect subject to refund pending the resolution of the protest. It is further

ORDERED that in the event no timely protest is filed, then this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 24th day of December, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

SRF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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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 January 14, 1998.

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.