

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for approval of new class of bulk wastewater rates in Monroe County by K W Resort Utilities Corp. DOCKET NO. 050474-SU
ORDER NO. PSC-05-0955-TRF-SU
ISSUED: October 7, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

ORDER APPROVING NEW CLASS OF SERVICE

BY THE COMMISSION:

BACKGROUND

K W Resort Utilities Corp. (K W Resort or utility) is a Class B utility providing wastewater service in Monroe County. Based on the 2004 Annual Report, the utility serves approximately 1,012 wastewater customers. Revenues for 2004 were reported as \$822,986 for wastewater, and the utility reported an operating loss of \$177,202. On June 30, 2005, K W Resort filed for approval of Original Sheet No. 16 to establish a bulk wastewater rate for South Stock Island Marinas (Peninsular Marina)(the Marina). We have jurisdiction over this subject matter pursuant to Sections 367.081 and 367.091, Florida Statutes (F.S.).

NEW CLASS OF SERVICE

Pursuant to Section 367.091(5), F.S.:

If any request for service of a utility shall be for a new class of service not previously approved, the utility may furnish the new class of service and fix and charge just, reasonable, and compensatory rates or charges therefor. A schedule of rates or charges so fixed shall be filed with the commission within 10 days after the service is furnished. The commission may approve such rates or charges as filed or may approve such other rates or charges for the new class of service which it finds are just, reasonable, and compensatory.

On June 22, 2005, K W Resort entered into an agreement with Peninsular Marine Enterprises to provide service. K W Resort filed Original Sheet No. 16.0 to establish an Equivalent Residential Connection (ERC) based bulk wastewater rate for the marina on June 30, 2005.

We approved similar ERC based bulk wastewater rates for K W Resort by Order No. PSC-02-1165-PAA-SU, issued August 26, 2002, in Docket No. 020520-SU, In re: Complaint by

DOCUMENT NUMBER-DATE

09622 OCT-7 05

FPSC-COMMISSION CLERK

Safe Harbor Marina against K. W. Resort Utilities Corp. and request for new class of service for bulk wastewater rate in Monroe County, and Order No. PSC-02-1711-TRF-SU, issued December 9, 2002, in Docket No. 021008-SU, In re: Request for approval for two new classes of bulk wastewater rates in Monroe County by K W Resort Utilities Corp. The rate requested for the marina is consistent with our previous decisions. The new rate is set out below:

13 Residential living units at 1 ERC each (2 houses; 1 mobile home and 10 houseboats)	\$ 493.09
16 Live aboard boats at .6 ERC each	\$ 364.13
26 Non Live aboard boats at .2 ERC each	\$ 197.34
1 Bath House at 1 ERC	\$ 37.93
3 Commercial businesses at .5 ERC each	\$ 56.90
Total Bulk Rate	<u>\$1,149.39</u>

Based on the above, Original Sheet No. 16.0 shall be approved as filed. The utility shall file a proposed customer notice to reflect these charges. The approved charges shall be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), Florida Administrative Code, provided that the notice has been approved by staff. Within 10 days of the date the order is final, the utility shall be required to provide notice of the tariff changes to all customers. The utility shall provide proof that the customers have received notice within 10 days after the date that the notice was sent.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Original Sheet No. 16.0, establishing a bulk wastewater rate for South Stock Island Marinas (Peninsular Marina) filed by KW Resort Utilities Corp. shall be approved as filed. It is further

ORDERED that KW Resort Utilities Corp. shall file a proposed customer notice to reflect the Commission-approved rate. It is further

ORDERED that the approved rate shall be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), Florida Administrative Code, provided that the notice has been approved by our staff. It is further

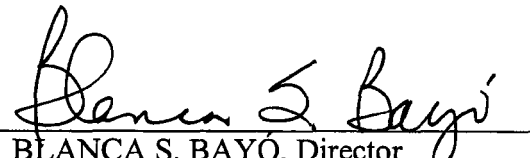
ORDERED that within ten days of the date the order is final, KW Resort Utilities Corp. shall provide notice of the tariff rate to all customers. It is further

ORDERED that KW Resort Utilities Corp. shall provide proof that the customers have received notice within ten days after the date that the notice was sent. It is further

ORDERED that if a protest is filed within 21 days of the issuance date of the Order, the tariff shall remain in effect with all increased charges held subject to refund pending resolution of the protest, and the docket shall remain open. It is further

ORDERED that if no timely protest is filed, the docket shall be closed upon the issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 7th day of October, 2005.


BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

RRJ

NOTICE OF FURTHER PROCEEDINGS

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.

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 proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 28, 2005.

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In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

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.