

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Palm Beach County)	DOCKET NO. 900420-GU
Utilities Corporation)	ORDER NO. 23584
Minimum Filing Requirements)	ISSUED: 10-04-90
Report.)	
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The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING REQUEST FOR REVISED FILING PERIOD

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On July 16, 1990, in Proposed Agency Action Order No. 23187, Palm Beach County Utilities Corporation was ordered to file a Modified Minimum Filing Requirements Report pursuant to Section 366.06(3)(b), Florida Statutes, by September 30, 1990. Thereafter, the utility timely filed a Petition on Proposed Agency Action in response to the order. Although the utility did not request a formal proceeding under Rule 25-22.029, Florida Administrative Code, it requested relief from the filing deadline imposed the order, and requested permission to file its report by March 31, 1991, rather than September 30, 1990. The utility alleged that it is implementing a bankruptcy plan of reorganization and that it would have to hire an outside consultant to complete its report by September 30, 1990. Under the circumstances, we find the utility's request to be reasonable.

The Florida Legislature, during its 1989 Sunset Review of Chapter 366, Florida Statutes, added Section 366.06(3)(b), which requires all utilities to file a Modified Minimum Filing Requirements Report within eighteen months of the effective date of the law. The Commission must implement the statute by requiring approximately one-third of the affected utilities to file the report each six months. Since the effective date of this statute, over two-thirds of the affected gas utilities have filed either Modified Minimum Filing Requirements Reports or complete Minimum

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Filing Requirements for a rate proceeding. Thus, the Commission will comply with its legislative mandate if it requires this utility to file its report by March 31, 1991.

Accordingly, it is

ORDERED by the Florida Public Service Commission that Palm Beach County Utilities Corporation shall file the Modified Minimum Filing Requirements Report as required in Order No. 23187, on or before March 31, 1991.

BY ORDER of the Florida Public Service Commission, this
4th day of OCTOBER, 1990.

 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)
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by: Kay Ferguson
 Chief, Bureau of Records

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 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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 25, 1990.

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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, and as reflected in a subsequent 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.

If this order becomes final and effective 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 sewer 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.