

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 911030-WS
increase in Brevard County by)
GENERAL DEVELOPMENT UTILITIES,) ORDER NO. PSC-92-0094-FOF-WS
INC. (Port Malabar Division))
_____) ISSUED: 3/24/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER SUSPENDING PROPOSED RATES AND SCHEDULES

BY THE COMMISSION:

General Development Utilities, Inc./Port Malabar Division (GDU-PM or utility) is a Class A utility located in Brevard County. The utility is a wholly-owned subsidiary of General Development Corporation. As of December 31, 1990, the utility had 13,681 water customers and 5,963 wastewater customers.

On January 3, 1992, the utility filed its application for a rate increase. We determined that the utility's filing did not meet the minimum filing requirements because the utility failed to include all required information. On January 16, 1992, the utility submitted additional data, and that date was established as the official date of filing. The test year, for final rate determination, is the projected twelve-month period ended December 31, 1991. The interim test period is the twelve month period ended December 31, 1990. The utility has requested that this case be scheduled for a formal hearing, and has not filed the rate case pursuant to the proposed agency action process, set forth in Section 367.081(8), Florida Statutes. GDU-PM's request for interim water and wastewater rates will be considered separately, at a later date.

Pursuant to Section 367.081(6), Florida Statutes, the utility may implement its proposed rates within sixty days of filing unless the Commission first acts to withhold consent to those rates. Further, the above referenced statute permits the proposed rates to go into effect, under bond, eight months after filing unless final

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action has been taken by the Commission. According to our initial review of the filing, the utility has made substantial changes to its plant since its last rate case. In addition, the utility has proposed numerous adjustments to the rate base and operating statements. Upon consideration of the above, we find it reasonable and necessary to require further amplification, explanation and cross-examination of the data filed by the utility, as well as additional and/or corroborative data. We, therefore, find it appropriate to suspend the proposed rates and schedules.

It is, therefore,

ORDERED by the Florida Public Service Commission that the rates and schedules proposed by General Development Utilities, Inc. are hereby suspended in accordance with Section 367.081(6), Florida Statutes.

By ORDER of the Florida Public Service Commission, this 24th day of MARCH, 1992.



STEVE TRIBBLE, 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.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.