

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Approval of ) DOCKET NO. 921014-WS  
Schedule to Amend Certificated ) ORDER NO. PSC-93-0862-FOF-WS  
Territories in Brevard, Citrus, ) ISSUED: June 8, 1993  
Clay, Hernando, Lake, Marion, )  
Martin, Orange, Osceola, Putnam, )  
Seminole, and Volusia Counties )  
by SOUTHERN STATES UTILITIES, )  
INC. )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

FINAL ORDER ACCEPTING SETTLEMENT

BY THE COMMISSION:

Background

Section 367.045, Florida Statutes, prohibits a utility from extending its service outside the area described in its certificate of authorization without Commission approval. Southern States Utilities, Inc. (SSU or utility) discovered that it was in violation of Section 367.045, Florida Statutes, when the utility began preparing its rate case in Docket No. 920199-WS. On October 5, 1992, SSU filed a petition for Commission approval of a schedule to amend its certificated territories. The Petition identified 49 systems that SSU is serving outside of its certificated territory.

On February 9, 1993, this Commission issued Order No. PSC-93-0202-FOF-WS approving SSU's timetable for submitting the amendment applications. Order No. PSC-93-0202-FOF-WS required SSU to file applications for amendments of its certificates in Lake, Citrus, Seminole and Volusia Counties by February 1, 1993. All of the applications were filed after the February 1, 1993, deadline. (Docket No. 930129-WS - filed February 2, 1993; Docket No. 930130-WS - filed February 2, 1993; Docket No. 930147-WS - filed February 10, 1993; and Docket No. 930153-WS - filed February 12, 1993).

In addition to the untimely filing of the amendment dockets, the utility failed to include applications for all of the systems

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identified in its timetable. The Lake County Docket (Docket No. 930129-WS) did not include the Carlton Village/Lake Griffin and Friendly Center Systems. The Seminole County Docket (Docket No. 930130-WS) did not include the Lake Crescent and Harmony Homes systems. The Volusia County Docket (Docket No. 930153-WS) did not include the Sugarmill system.

In a letter dated March 18, 1993, SSU explained that the five applications, discussed above, were not filed by February 1, 1993, because the utility found that it is not serving outside its territory in those instances. Based on the facts represented to us in the March 18, 1993, letter, we do not find it necessary to take action on those five applications. Therefore, this Order will only address the untimely filing of the amendment applications and the resolution of this show cause proceeding.

#### Show Cause and Settlement Offer

At our May 18, 1993, Agenda Conference, we considered whether to require SSU to show cause in writing why it should not be fined for its violation of Order No. PSC-93-0202-FOF-WS. Order No. PSC-93-0202-FOF-WS was very specific as to the consequences of the utility's failure to comply with the Order. Order No. PSC-93-0202-FOF-WS states in part:

However, since SSU has provided details related to the history and extent of its violations and has provided a reasonable time table for correcting the problems, show cause proceedings will not be initiated. If the amendment applications are filed pursuant to Section 367.045, Florida Statutes, Rule 25-30.036, Florida Administrative Code, and in accordance with the approved time table, they may be processed administratively. It is important to note that the utility has violated the statute in these instances. If SSU commits any future violation of Sections 367.045 or 367.071, Florida Statutes, including acquisition of new systems, it will result in show cause proceedings. Also, in the event SSU fails to follow its own proposed schedule, show cause proceedings against SSU may be initiated.

Without including the five systems discussed above, SSU did fail to file the remaining 23 amendment applications by February 1, 1993 as provided in Order No. PSC-93-0202-FOF-WS. This is the date for the systems identified by the utility on its own timetable. Prior to

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the issuance of Order No. PSC-93-0202-FOF-WS, each and every one of the 23 instances in which applications were to be filed was the potential basis for an independent show cause action against SSU. However, at that Agenda Conference, the utility made a settlement offer of \$500 to resolve the show cause proceeding. We find this amount reasonable and hereby resolve this show cause.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern States Utilities, Inc.'s settlement offer is hereby accepted and this show cause proceeding is hereby resolved. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 8th day of June, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

LAJ/ALC

Commissioner Luis J. Lauredo dissented without opinion.

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.