

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request of EAGLE CREEK UTILITY)	DOCKET NO. 890048-SU
II, INC. in Collier County to amend)	
tariff by changing billing from monthly)	ORDER NO. 20816
to quarterly.)	
-----)	ISSUED: 2-27-89

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING REQUEST TO CHANGE
FROM MONTHLY TO QUARTERLY BILLING

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

Eagle Creek Utility II, Inc. (Eagle Creek) is a utility which provides wastewater service to 153 residential customers and one general service customer, Eagle Creek Country Club, in Collier County (County). The County provides water service to these customers.

On September 22, 1988, Eagle Creek applied for approval to change from monthly to quarterly billing. Eagle Creek stated that its application was based upon several customer requests. According to Eagle Creek, most of the customers' residences are second homes and these customers would rather not be bothered with a bill each month. Before we would approve Eagle Creek's application, however, we requested that it survey the customer's preferences regarding the change from monthly to quarterly billing. On December 15, 1988, Eagle Creek supplemented its application with the results of a customer survey. Of the 153 residential customers surveyed, Eagle Creek received ten responses, all positive. Some of the reasons given by the customers in support of the change in billing frequency were savings on stamps and customer convenience. One customer said that he would be in agreement with the change in billing frequency so long as the bills are for usage in arrears.

Eagle Creek's present practice is to bill the base facility charge and the gallonage charge in arrears. The gallonage charge is based upon 80 percent of the water usage as reported by the County. Under quarterly billing, Eagle Creek intends to continue billing in arrears.

We believe that the requested change from monthly to quarterly billing would benefit customers by making bill-paying more convenient. In addition, the change in billing frequency should lower Eagle Creek's operation and maintenance expenses,

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however, it does not appear that any savings realized by the change would cause Eagle Creek to overearn. We have reviewed Eagle Creek's 1987 annual report and its last achieved rate of return was a negative .76 percent.

Based upon the above discussion, we hereby approve Eagle Creek's request to change from monthly to quarterly billing. If this Order becomes final, Eagle Creek shall provide notice of the change in billing frequency and the reasons therefor to each affected customer with the first billing subsequent to the expiration of the protest period. Eagle Creek shall submit a copy of the proposed notice to the Commission for its prior approval. In addition, Eagle Creek shall submit revised tariff pages, which shall be effective upon Staff's verification that they accurately reflect this Commission's decision and upon Staff's approval of the proposed customer notice.

It is, therefore,

ORDERED by the Florida Public Service Commission that the provisions of this Order are issued as proposed agency action and will become final unless an appropriate petition, in the form prescribed by Rule 25-22.036, Florida Administrative Code, is received by the Director of the Division of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 20, 1989. It is further

ORDERED that the request by Eagle Creek Utility II, Inc., to change from monthly to quarterly billing, is hereby approved. It is further

ORDERED that, if this Order becomes final, Eagle Creek Utility II, Inc. shall notify each affected customer of the change and the reasons therefor with the first billing subsequent to the expiration of the protest period. A copy of the proposed notice shall be submitted to the Commission for its prior approval. It is further

ORDERED that, if this Order becomes final, Eagle Creek Utility II, Inc. shall file revised tariff pages, which will be effective upon Staff's verification that the revised tariff pages accurately reflect this Commission's decision and upon its approval of the proposed customer notice.

By ORDER of the Florida Public Service Commission,
this 27th day of FEBRUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

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 March 20, 1989. In the absence of such a petition, this order shall become effective March 21, 1989 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 March 21, 1989, 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.