

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by MARTIN DOWNS)	DOCKET NO. 890521-WS
UTILITIES, INC. to retain its)	
existing service availability)	ORDER NO. 21201
policy in Martin County)	
_____)	ISSUED: 5-8-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING REQUEST TO RETAIN
 EXISTING SERVICE AVAILABILITY POLICY

BY THE COMMISSION:

Martin Downs Utilities, Inc. (Martin Downs or utility) is a utility which provides water and wastewater service to approximately 2,000 customers in a planned unit development (PUD) in Martin County (County). Martin Downs and the County have entered into an agreement for the County to purchase the utility by 1994. Based upon this agreement, Martin Downs and the County have attempted to develop Martin Downs into a regional utility. In order to effectuate their plan, the County has passed an ordinance which requires developers to connect to Martin Downs unless the cost of such connection would exceed 150 percent of the cost of installing their own system. However, according to Martin Downs, developers outside the PUD are discouraged from connecting to its system by the added costs of the gross-up of contributions-in-aid-of-construction (CIAC).

On July 29, 1988, Martin Downs filed a request to eliminate the gross-up on property CIAC, but to continue to gross-up cash CIAC. By Order No. 20564, issued January 9, 1989, we denied Martin Downs' request. Since Martin Downs' current service availability policies and charges were designed only for connections within the PUD, by Order No. 20564, we also required Martin Downs to file a service availability case no later than April 3, 1989.

By letter dated March 27, 1989, Martin Downs stated that it no longer wished to change its service availability policy and that it believed that it should not, therefore, have to file a service availability case as contemplated. By letter dated April 5, 1989, Martin Downs further indicated that it has not received any donations of water or sewer trunk lines and that it has continued and intends to continue to operate under its existing service availability policy.

Since Martin Downs intends to continue to operate under its existing service availability policies and charges, we agree that there is no need for it to file a service availability case. Accordingly, its request to retain its existing service availability policies and charges is hereby granted.

Based upon the discussion above, it is

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ORDERED by the Florida Public Service Commission that the request by Martin Downs Utilities, Inc. to retain its existing service availability policies and charges is hereby granted. It is further

ORDERED that Martin Downs Utilities, Inc.'s current service availability policies and charges are hereby affirmed in all respects. It is further

ORDERED that Docket No. 890521-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission
this 8th day of May, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

by: Kay Flizon
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.

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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.