

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Application of MARION OAKS) | DOCKET NO. 881406-WS |
| UTILITIES, a division of UNITED) | |
| FLORIDA UTILITIES CORPORATION, to) | ORDER NO. 21410 |
| modify water and sewer service avail-) | |
| ability charges and allowance for) | ISSUED: 6-19-89 |
| funds prudently invested charges in) | |
| Marion County) | |

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 ACKNOWLEDGING WITHDRAWAL OF
REQUEST TO GROSS-UP CIAC
AND CLOSING DOCKET

BY THE COMMISSION:

Marion Oaks Utilities (Marion Oaks), a division of United Florida Utilities Corporation, is a utility which provides water and sewer service to approximately 2,000 residential and general service customers in Marion County. On October 26, 1988, Marion Oaks filed an application for approval to modify its service availability charges and for allowance for funds prudently invested (AFPI) charges. Marion Oaks also requested that it be allowed to "gross-up" cash contributions-in-aid-of-construction (CIAC) in order to offset the tax effects of its collection of such CIAC.

Prior to our decision on its various requests, Marion Oaks requested that we defer consideration of its request to gross-up. Its request was granted. By Order No. 20744, issued March 27, 1989, we approved Marion Oak's request for modified service availability charges and AFPI charges.

By letter dated May 19, 1989, Marion Oaks requested to withdraw its request for the gross-up. Marion Oaks referred to a recent case, processed under Docket No. 881412-WS, in which, by Order No. 20564, issued January 9, 1989, we denied a similar request by Martin Downs Utilities, Inc. to eliminate the gross-up for property contributions, but to retain it for cash contributions. Marion Oaks states that having to gross-up property CIAC as well as cash CIAC will significantly impede growth and expansion of its customer base. Based upon these representations, we find it appropriate to approve Marion Oak's request to withdraw its application.

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It is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 881406-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission this 19th day of JUNE, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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.