

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of PALM COAST)	DOCKET NO. 871395-WS
UTILITY CORPORATION for verification)	ORDER NO. 21794
of utility investment in water and)	ISSUED: 8-28-89
sewer assets in Flagler County)	
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN
 THOMAS M. BEARD
 JOHN T. HERNDON

ORDER SUBSUMING INVESTIGATION DOCKET ISSUES INTO
RATE CASE DOCKET

BY THE COMMISSION:

By Order No. 18785, issued February 2, 1988, this Commission initiated an investigation into the level of investment in utility assets by Palm Coast Utility Corporation (PCUC). By Order No. 18713, issued January 21, 1988, this Commission acknowledged the intervention of the Office of Public Counsel (OPC) in this proceeding.

On January 26, 1989, the Staff of this Commission (Staff) submitted its findings for our consideration at the February 7, 1989 Agenda Conference; however, the matter was deferred until a later date.

On February 3, 1989, OPC filed a motion for a four-month extension of time to compile and file its findings and recommendations in this docket. OPC's motion was granted by Order No. 21075, issued April 20, 1989. On May 4, 1989, OPC filed another request for an extension of time. Its motion was granted by Order No. 21288, issued May 25, 1989.

On May 19, 1989, PCUC completed the minimum filing requirements for a general rate increase. Its application for increased rates is being processed under Docket No. 890277-WS. The rate application is currently scheduled for an administrative hearing on October 12 and 13, 1989.

DOCUMENT NUMBER-DATE
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ORDER NO. 21794
DOCKET NO. 871395-WS
PAGE 2

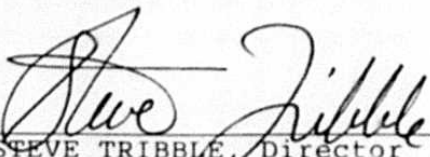
If we were to make a decision regarding the issues in the investigation, our decision would, of necessity, be issued as proposed agency action. Based upon the representations of Staff and the parties at the August 15, 1989 Agenda Conference, we believe that, regardless of our decision on these matters, any such order would be protested by at least one of the parties, necessitating another, separate hearing in this docket. In addition, we believe that the issues involved in this investigation are intrinsically fundamental to PCUC's application for increased rates. We, therefore, find it appropriate to subsume the issues from the investigation docket into the rate case docket for the purposes of administrative efficiency and consistency. All information gleaned or produced during this investigation shall, therefore, become part of Docket No. 890277-WS and Docket No. 871395-WS, the investigation docket, shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 871395-WS, the investigation into Palm Coast Utility Corporation's investment in water and sewer utility assets, is hereby subsumed into Docket No. 890277-WS, Palm Coast Utility Corporation's application for increased rates, as set forth in the body of this Order. It is further

ORDERED that Docket No. 871395-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission
this 28th day of AUGUST, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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ORDER NO. 21794
DOCKET NO. 871395-WS
PAGE 3

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 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 sewer 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.