

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | | |
|-------------------------------------|---|----------------------|
| In re: Application of ATLANTIC |) | DOCKET NO. 870249-WS |
| UTILITIES OF JACKSONVILLE, INC. for |) | ORDER NO. 22174 |
| rate increase in Duval County |) | ISSUED: 11-14-89 |
| <hr/> | | |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
JOHN T. HERNDON

ORDER CONTINUING THE COLLECTION OF CERTAIN
RATES AND CHARGES SUBJECT TO REFUND

BY THE COMMISSION:

By Order No. 20063, issued September 26, 1988, we approved a rate increase for Atlantic Utilities of Jacksonville, Inc. (Atlantic). However, we found the overall quality of water service provided by Atlantic to be unsatisfactory. We ordered Atlantic to submit plans to us for replacing the undersized mains in the Ortega Hills Subdivision. We also ordered Atlantic to collect the new rates and charges for the Ortega Hills Subdivision subject to refund with interest for one year, pending the replacement of the undersized lines. At the end of the one year period, we would decide the disposition of these funds based upon the actions of Atlantic.

Atlantic proposes to replace 8,000 feet of water distribution mains in the Ortega Hills Subdivision. Bids were solicited in July, 1989, from qualified contractors in the Jacksonville area. On September 1, 1989, the successful bidder, Escoe Green, Inc., was notified that its bid had been accepted for the project, and on September 7, 1989, a construction contract was entered into with Escoe Green, Inc. This construction contract provides that the project will be completed within approximately 150 calendar days. Atlantic believes that barring any unforeseen difficulties, the improvements should be substantially completed by the end of February, 1990.

DOCUMENT NUMBER-DATE

11101 NOV 14 1989

FPSC-RECORDS/REPORTING

ORDER NO. 22174
DOCKET NO. 870249-WS
PAGE 2

On October 17, 1989 our staff engineer performed a engineering inspection. Because of delays in the design phase, due to the preparation of the aerial photo plan sheets, construction had not begun at the time of the inspection. However, equipment and materials were on the job site and all of the underground cables had been located. Actual construction was started on October 18, 1989, and photographs of the construction in progress were sent to the Commission on October 20, 1989.

Atlantic has devised a plan, consistent with Order No. 20063, to replace the undersized watermains in the Ortega Hills Subdivision and is ready to implement that plan. However, since construction has just begun, we find that the portion of the rate increase for water service apportioned to the Ortega Hills ratepayers should continue to be collected subject to refund with interest until construction has been totally completed and verified by our staff. Construction should be totally completed no later than February 28, 1990, otherwise, we will initiate show cause proceedings against Atlantic.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Atlantic Utilities of Jacksonville, Inc. shall continue to collect the portion of the rate increase for water service apportioned to the Ortega Hills Subdivision ratepayers subject to refund with interest until construction has been totally completed and verified by Staff. It is further

ORDERED that the construction shall be completed by February 28, 1990.

By ORDER of the Florida Public Service Commission this 14th day of NOVEMBER, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

NSD

by: Kay Flizon
Chief, Bureau of Records

ORDER NO. 22174
DOCKET NO. 870249-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 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.