

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of THREE "S")	DOCKET NO. 881276-SU
DISPOSAL, INC. for a Staff-Assisted)	ORDER NO. 23131
rate increase in Lee County)	ISSUED: 6-28-90
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
BETTY EASLEY

ORDER ACCEPTING STIPULATION, REQUIRING REFUND
AND CLOSING DOCKET

BY THE COMMISSION:

Three "S" Disposal, Inc. (Three "S" or utility) is a class C sewer utility in Lee County which serves approximately 151 homes and 42 condominium units in the Bonita Springs area. For the test year ended August 31, 1988, the utility had \$32,424 in annual revenues. By Proposed Agency Action Order No. 21535, issued July 12, 1989, the Commission established rates for this utility. The Order became final but was reissued by Order No. 21929 on September 21, 1989, because of problems with the mailing list. The Order was timely protested by the customers and the matter was set for hearing.

On May 3, 1990, Public Counsel filed his Notice of Intervention, which was acknowledged by Order No. 22906, issued May 7, 1990. Subsequently, the parties reached agreement and filed a Stipulation of Settlement.

STIPULATION

The Stipulation of Settlement provides for a bi-monthly flat "base facility charge" of \$28.00, with a gallonage charge of \$1.57 for all customers and a 20,000 gallon cap. The utility also agrees not to file another rate case for at least two years after the date of the final order approving the Stipulation.

Upon consideration, we find that the Stipulation is a reasonable resolution of the parties' dispute. Accordingly, we hereby approve the Stipulation which is attached to this Order as Attachment A and by reference incorporated herein.

DOCUMENT NUMBER-DATE
05725 JUN 28 1990
FPSC-RECORDS/REPORTING

ORDER NO. 23131
 DOCKET NO. 881276-SU
 PAGE 2

REFUND

Order No. 21929, issued September 21, 1989, provided for the utility's collection of temporary rates, subject to refund, in the event the Order were protested. An escrow account was to be established into which the difference between the existing \$14.00 monthly rate and the temporary bi-monthly rates were to be deposited, from September 19, 1989, to the conclusion of the proceeding. The temporary rates and the approved stipulated rates are shown below for comparison.

Temporary Bi-Monthly Wastewater Rates

Residential

Base Facility Charge:
 Meter Size
 All Meter Sizes: \$ 24.74

Gallage Charge per 1,000 G.
 (Maximum 20,000 G.) \$ 3.25

General Service

Base Facility Charge:
 Meter Size:
 5/8" x 3/4" \$ 24.74
 1" \$ 61.85
 1-1/2" \$ 123.70
 2" \$ 197.92
 3" \$ 395.84

Gallage Charge
 per 1,000 gal. \$ 3.90

Bi-Monthly Rates

<u>All Customers</u>	<u>Approved Stipulated Rate</u>
Flat Rate	\$ 28.00
Gallage Charge per 1,000 gal. (20,000 gallon cap)	\$ 1.57

ORDER NO. 23131
DOCKET NO. 881276-SU
PAGE 3

Since the stipulated rates are less than the temporary rates, a refund is required, with interest. The utility shall refund according to Rule 25-30.360, Florida Administrative Code. Bills rendered at the temporary rates should be recalculated using the approved stipulated rates, and the difference, plus interest, should be refunded as a credit on each customer's next bill.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Stipulation of Settlement filed by Three "S" Disposal, Inc. and the Office of Public Counsel is hereby approved. It is further

ORDERED that the utility shall refund the difference between the final stipulated rates and the temporary rates, with interest, as set forth in the body of this Order. It is further

ORDERED that this docket may be closed upon Staff's verification that the refund has been made properly.

By ORDER of the Florida Public Service Commission
this 28th day of JUNE, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

NSD

ORDER NO. 23131
DOCKET NO. 881276-SU
PAGE 4

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.