

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of	)	DOCKET NO. 900402-WS
new service availability policy in	)	ORDER NO. 23195
Seminole County by Alafaya Palm	)	ISSUED: 7-16-90
Valley Associates, Ltd.	)	
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

ORDER GRANTING INTERIM SERVICE AVAILABILITY  
CHARGES FOR WATER AND WASTEWATER AND  
REQUIRING ESCROW ACCOUNT

BY THE COMMISSION:

On May 4, 1990, Alafaya Palm Valley Associates, Ltd. (Alafaya or utility) filed an application for approval of interim and final service availability policy. The utility seeks to begin requiring payment of a service availability charge. Pending this Commission's evaluation of the final charges, the utility requested interim service availability charges in the amount of \$100 for water service and \$1,400 for wastewater service.

Alafaya has never received Commission approval to charge for service availability. However, previous owners of the utility had collected connection charges. In Order No. 16360, issued July 16, 1986, the Commission approved the transfer of water and wastewater certificates to the utility's current owners. However, the utility was ordered to cease the collection of connection charges. At the time of the transfer, the collection of connection charges had resulted in a ratio of net contributions-in-aid-of-construction (CIAC) to net plant investment of approximately 88 percent.

In Docket No. 900166-WS Alafaya's certificates were amended in Order No. 23094, issued June 20, 1990, to allow the utility to expand its service area to include thirty (30) lots in a newly developed area. The new development will have a

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total of 172 lots, 142 of which were within the utility's previously approved service area. The utility is expanding its facilities to provide water and wastewater service to the 172 lots in the new development.

Due to the utility's investment in the expanded facilities, the ratio of net CIAC to net plant investment was 28 percent as of December 31, 1989. The utility requests that interim service availability charges be approved in order that it may collect the charges from new customers in the development. Without the ability to collect the charge, Alafaya's ratio of net CIAC to net plant investment will continue to decline.

Accordingly, we find it appropriate to approve the utility's request for collection of interim water and wastewater service availability charges of \$100 and \$1,400, respectively. The charges will be collected subject to refund, with interest, pursuant to Rule 25-20.360, Florida Administrative Code, in the event our final determination results in lower charges.

The utility proposed use of an escrow account for direct deposit of the interim charges. We agree that an escrow account would be appropriate. The utility shall open a separate interest-bearing escrow account subject to the condition that no funds may be withdrawn without express authority of the Commission. Additionally, the utility shall file monthly reports indicating the monthly and total collections of the availability charges. The interim charges shall be effective on or after June 28, 1990.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Alafaya Palm Valley Associates, Ltd. for interim water and wastewater service availability charges is hereby granted. It is further

ORDERED that Alafaya Palm Valley Associates, Ltd., shall establish an escrow account and shall place all interim service availability charges into a joint escrow account between the utility and Steve Tribble, Director of the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, on behalf of the Commission. It is further

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ORDERED that Alafaya Palm Valley Associates, Ltd., shall submit signature cards and an agreement for an escrow account to this Commission, in conformance with this Order, no later than twenty days from the date of this Order. It is further

ORDERED that these escrow funds shall be removed from the escrow account only upon approval of this Commission. It is further

ORDERED that the utility shall submit monthly reports as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission,  
this 16th day of July, 1990.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ASD

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

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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.