

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate increase in) DOCKET NO. 900329-WS
 Citrus, Martin, Marion, Charlotte/Lee)
 County by Southern States Utilities, Inc.;) ORDER NO. 23204
 in Collier County by Marco Island Utilities)
 (Deltona); in Marion County, Marion Oaks) ISSUED: 7-16-90
 Utilities (United Florida); and in)
 Washington County by Sunny Hills Utilities)
 (United Florida))

ORDER DENYING REQUEST FOR WAIVER
OF REQUIREMENT TO FILE TARIFF SHEETS

By Motion filed July 10, 1990, Southern States Utilities, Inc., Deltona Utilities, Inc., and United Florida Utilities Corp. (the utilities) requested waiver of the requirement to file tariff sheets as set forth in the Chairman's test year approval letter. The basis of the request is that

[b]ecause of the multiplicity of systems involved in this application and given the unlikelihood that the Commission would approve exactly the rates that would be set forth in such proposed tariff sheets, it would be more expedient that the tariff sheets be filed once the Commission set the rates.

The utilities assert that they are not proposing any change in their present tariff sheets, except rates, at this time.

The standard procedure in a rate case filing is to file Minimum Filing Requirements (MFRs) and tariffs sheets reflecting the proposed new rates. The legal basis for this is that if no action is taken by the Commission within 60 days of the official filing date, the revised tariff sheets become effective by operation of law. The proposed tariff is usually suspended so that further investigation of the data can be made.

The proposed tariff revisions are reviewed by staff to check for such procedural items as incorrect revision levels, typographical errors, and omissions. It has been staff's experience that inadvertent changes can have substantive impact also. The tariff pages may be inconsistent with the MFRs. For example, a tariff sheet on a particular class of service was omitted but the revenues were included in the MFRs. If this were not caught by staff review, a customer class would have been omitted. In another example, revenues were identified as a late payment charge, but actually were a type of miscellaneous revenue.

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If the tariff sheets are not filed with the MFRs, the quality of the review would be lessened because staff would be under severe time constraints to review the tariff sheets after the Commission's final decision in the proceeding so that the effective date of the new tariff, and thus the ability to charge the new rates, would not be delayed. Further, by not reviewing the tariff sheets until the conclusion of the case, it would be too late to identify issues or rectify any misunderstandings or confusion over new services or changes to services that may ultimately benefit ratepayers by spreading costs and generating additional revenues.

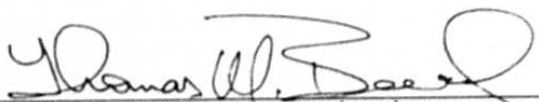
While I am sympathetic to the enormity of the task to the utility in compiling the revised tariff sheets for this very large rate case, I am also very aware of the need, indeed the duty, of this Commission and its staff to comprehensively review the data in a rate case so that a reasoned decision based on full and correct information is rendered.

Based on the foregoing, the utility's request for waiver of the requirement to file tariff sheets in order for its application to be complete is denied. However, the utilities need only file the original and one copy of the revised tariff sheets. The utilities shall also make a copy of the proposed tariff revisions available in their local business offices.

It is, therefore,

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the Motion for Waiver of Requirement to File Tariff Sheets, filed by Southern States Utilities, Inc., Deltona Utilities, Inc. and United Florida Utilities Corp., is hereby denied.

By ORDER of Thomas M. Beard, as Prehearing Officer, this
16th day of July, 1990.


THOMAS M. BEARD, Commissioner
and Prehearing Officer

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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.