

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for modification)	DOCKET NO. 900760-WS
of special rate in Martin County by)	ORDER NO. 23938
MARTIN DOWNS UTILITIES, INC.)	ISSUED: 12-26-90
_____)	

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING TARIFF REVISION

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature, and as such, will become final unless a person whose interests are substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

On July 13, 1989, by Order No. 21539, we approved a tariff provision for Martin Downs Utilities, Inc. (Utility) for the bulk sale of water and wastewater to Martin County for resale to its general service customers who must abandon wells and septic tanks because of a street widening project. The bulk rate was restricted to the general service customers because wastewater billings were based on readings from the water meter.

The Utility and Martin County have requested that the tariff provision be modified to allow water and wastewater bulk service for resale to residential customers in the street widening project area.

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MODIFICATION OF TARIFF

Martin County has determined that in order to make the water and wastewater facilities installation project cost effective, it needs to provide water and wastewater service to residential customers in the project area, in addition to the general service customers. The County has identified approximately 123 equivalent residential connections of potential additional residential customers it desires to provide with bulk service.

The Utility and Martin County agree that the total number of gallons delivered to "water only" customers can be deducted from the total water gallons to determine the number of gallons to be billed to the wastewater customers. This procedure appears to be fair, just, and reasonable to both customer classes; therefore, the Special Rate - Martin County tariff modification requested by the Utility is hereby approved.

The modification will become effective for meter readings on or after thirty days from the stamped approval date on the revised tariff sheets, to be approved upon staff's verification that the tariffs are consistent with our decision herein.

If a timely protest is not received, this Order shall become final and the docket shall be closed upon the utility's filing of revised tariff sheets.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that the requested revision to Martin Downs Utilities, Inc.'s tariffs to provide bulk service for resale to residential customers is approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final unless an appropriate petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the Notice of Further Proceedings. It is further

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ORDERED that the tariff revision approved herein shall be effective for meter readings on or after 30 days from the stamped approval date on the revised tariff sheets. It is further

ORDERED that, if this Order becomes final, the tariff modification approved herein shall not become effective until revised tariff sheets have been filed with and approved by this Commission. It is further

ORDERED that, in the event no protest is timely filed, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th
day of DECEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on January 15, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 of the effective date 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.