

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate)	DOCKET NO. 900718-WU
increase in Lee County by GULF)	ORDER NO. 24021
UTILITY COMPANY)	ISSUED: 1/24/91
_____)	

The following Commissioners participated in the disposition of this matter:

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

ORDER SUSPENDING PROPOSED RATES

BY THE COMMISSION:

BACKGROUND

On November 29, 1990, Gulf Utility Company (Gulf or utility), a Class A utility, filed minimum filing requirements (MFRs) to increase its water rates in Lee County. Gulf did not request interim water revenues or an increase for its wastewater service. While the MFRs were deficient, through inadvertence, our deficiency letter was not sent to Gulf. Accordingly, November 29, 1990 is established as the official filing date.

Gulf serves 4,836 water customers. Gulf is requesting increased annual water revenues of \$361,772 for total annual water revenues of \$1,832,114. This represents a 24.6% increase. The utility has requested to have this rate case processed under our Proposed Agency Action (PAA) procedure, pursuant to Section 367.081(8), Florida Statutes.

Section 367.081(6), Florida Statutes, provides that the rate schedules proposed by the utility shall become effective within sixty days after filing unless the Commission issues an order withholding consent to the operation of the proposed rates requested. Further, Section 367.081(8), Florida Statutes, requires that, in cases where the utility has requested that the case be processed using the PAA procedure, the Commission shall vote on the PAA within five months of the official date of filing, or the requested rates may be placed into effect.

DOCUMENT NUMBER-DATE

00800 JAN 24 1991

RECORDS REPORTING

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This item was considered at the January 15, 1991 agenda conference as an emergency item, since the statutory suspension date would occur prior to our next agenda conference. Counsel for the utility and the Office of Public Counsel were both contacted and neither objected to the emergency handling of this item at the agenda conference.

SUSPENSION

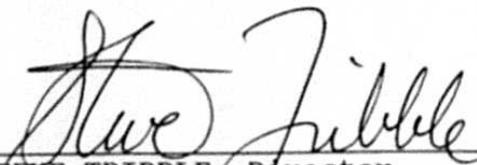
We have reviewed the filing and found that the utility has made substantial plant additions since its records were last audited by the Commission. A detailed investigation will be necessary to analyze the additions and review other test year investments and expenses. We have considered the proposed rates, the amount of the additional revenues sought thereunder and the supporting data which has been submitted. Accordingly, we find it appropriate to require further amplification, explanation and substantiation of the data filed by the utility, as well as additional data. Since this case is being processed under PAA procedures, a customer meeting will be held to receive customer comments.

In consideration of the above, we find it appropriate to suspend the utility's proposed rate schedules.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed final rate schedules filed by Gulf Utility Company are hereby suspended.

By ORDER of the Florida Public Service Commission this 24th
day of JANUARY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

NSD

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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.