

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of tariff )	DOCKET NO. 900999-WS
to implement a guaranteed revenue charge )	ORDER NO. 24130
in Brevard, Collier, and Lee Counties by )	ISSUED: 2-18-91
Florida Cities Water Company )	
_____ )	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 BETTY EASLEY  
 FRANK S. MESSERSMITH  
 MICHAEL MCK. WILSON

ORDER SUSPENDING PROPOSED RATES

BY THE COMMISSION:

Florida Cities Water Company (utility) is a Class A water and wastewater utility with operating divisions in Brevard, Collier and Lee Counties. The utility has approximately 21,700 water customers and 13,003 wastewater customers.

On December 20, 1990, the utility filed an application requesting approval of tariffs that permit it to implement a guaranteed revenue charge on taxes paid by the utility related to advances for construction and contributions-in-aid-of-construction (CIAC). The utility is requesting separate rates for each of its systems in Brevard, Collier and Lee Counties.

Section 367.091(5), Florida Statutes, provides that the rate schedules proposed by the utility shall become effective within sixty (60) days after filing unless the Commission issues an order withholding consent to the operation of the proposed rates requested. Further, the above-referenced statute permits the proposed rates to go into effect, under bond, eight (8) months after filing unless final action has been taken by the Commission.

Pursuant to Order No. 23541, the utility will pay all Federal and State income taxes related to the receipt of CIAC. To initially recover the carrying cost on the investment in said taxes, the utility proposes to implement a guaranteed revenue charge starting upon the receipt of the CIAC and terminating when

DOCUMENT NUMBER DATE

01552 FEB 18 1991

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ORDER NO. 24130  
DOCKET NO. 900999-WS  
PAGE 2

a water meter is set. The application appears to be an alternative means to grossing-up CIAC for taxes, which has not been utilized previously, and which requires further review. Accordingly, we find it is reasonable and necessary to require further amplification and explanation of the data filed by the utility.

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 rate schedules filed by Florida Cities Water Company to implement a guaranteed revenue charge on taxes paid by the utility related to advances for construction and contributions-in-aid-of-construction are hereby suspended.

By ORDER of the Florida Public Service Commission this 18th  
day of February, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

CB

by: Kay Flynn  
Chief, Bureau of Records

ORDER NO. 24130  
DOCKET NO. 900999-WS  
PAGE 3

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.