

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a staff-assisted)	DOCKET NO. 900654-WS
rate case in Martin County by FISHERMAN'S)	ORDER NO. 25277
COVE OF STUART, INC.)	ISSUED: 10/31/91
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY

ORDER GRANTING EXTENSION OF TIME
TO COMPLETE PLANT IMPROVEMENTS

BY THE COMMISSION:

Fisherman's Cove of Stuart, Inc., (FCS or utility) is a class "C" water and wastewater utility located in Martin County. By proposed agency action (PAA) Order No. 24284, issued March 25, 1991, we granted FCS an increase in its water and wastewater rates. The protest period expired without a protest being filed. The Order, therefore, became final, and FCS implemented its new rates. In Order No. 24248, we included in plant the costs of certain plant improvements required by the Florida Department of Environmental Regulation (DER). We also left the docket open for six months so that we could monitor the completion of those improvements. As the six-month completion date approached, September 27, 1991, it became apparent that FCS would need additional time in order to complete the improvements. On September 23, 1991, the utility requested that the Commission extend the monitoring period for an additional ninety days.

Prior to the March 5, 1991, Agenda Conference at which we proposed to approve FCS's new rates, FCS had submitted an application for a construction permit to DER. On December 26, 1990, the DER responded to the utility's application by requesting additional information. The utility referred DER's request to its engineer, who responded to DER on August 7, 1991. The utility's engineer was able to answer only seven of DER's questions and referred the remaining questions to a groundwater service

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corporation. The groundwater service corporation proposed performing a hydrogeologic study which would cause further delay.

After discussions with both the utility and the DER, we believe that it will take FCS longer than the ninety days it has requested to complete the plant improvements. DER allows itself thirty days from receipt of an application within which to request additional information. Only after satisfactory responses are received does the ninety-day application approval "clock" begin to run. Right now, FCS does not have a construction permit, so we know that construction could not be complete in ninety days.

The utility was not aware of the need for additional engineering time and a hydrogeologic study. We believe that the utility fully expected to have all the proforma plant improvements completed in six months. In consideration of the additional engineering requirements, the apparent necessity of a hydrogeologic study, and DER approval time, we hereby grant the utility a 180-day extension within which to complete the plant improvements required by Order No. 24284.

It is, therefore

ORDERED by the Florida Public Service Commission that Fisherman's Cove of Stuart, Inc.'s request for an extension of time within which to complete required plant improvements is hereby granted and modified. Fisherman's Cove of Stuart, Inc. shall have 180-days from the date of its request, until April 20, 1992, to complete the subject plant improvements. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this
31st day of OCTOBER, 1991.

STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

MJF

by: Kay Flynn
 Chief, Bureau of Records

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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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 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 after the issuance 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.