

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for acknowledge-) DOCKET NO. 920210-WU
ment and approval of a new class) ORDER NO. PSC-92-0328-FOF-WU
of service to provide emergency) ISSUED: 05/11/92
water service to the City of)
Marineland by PALM COAST UTILITY)
CORPORATION in Flagler County)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER ESTABLISHING NEW CLASS OF SERVICE

BY THE COMMISSION:

Palm Coast Utility Corporation (Palm Coast or utility) provides water and wastewater service to 11,259 water customers and 7,529 wastewater customers in Flagler County. According to Palm Coast's 1990 annual report, the utility's annual revenues for 1990 were \$6,528,746 and operating income was \$861,159. For the water system alone, the annual revenues for 1990 were \$4,523,942, while the operating income was \$716,982.

On March 4, 1992, Palm Coast filed a request pursuant to Section 367.091, Florida Statutes, for a new class of service to provide temporary emergency water service to the City of Marineland (Marineland). The utility states in its request that the service is needed because Marineland's water treatment facility is experiencing periods of inoperability. The utility's filing included a copy of the Emergency Water Agreement (Agreement), executed on February 7, 1992, between Palm Coast and Marineland, which states that Palm Coast will provide temporary water service to Marineland for a period up to one year at Palm Coast's rates for general service customers.

Palm Coast asserts that by providing water service on a temporary basis to Marineland, the City will have additional time to evaluate various alternatives to providing quality water service to its customers. These alternatives include the possibility of Marineland becoming a regular customer of Palm Coast as well as the possibility of Marineland making the necessary plant improvements to its water treatment facility.

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PSC-RECORDS/REPORTING

The point of delivery for the water sold to Marineland is the point where the city's property line and Palm Coast's service area meet. Marineland will pay the cost of the tap-in, a 2" meter and a backflow preventer, estimated to cost \$1,155, and will pay a customer deposit of \$400 prior to installation, which is consistent with Palm Coast's tariff. Palm Coast shall be responsible for the maintenance of the connection line within Palm Coast's service territory and Marineland shall be responsible for the maintenance of the connection line within Marineland's property limits.

Palm Coast further asserts that its water system has sufficient excess capacity to provide temporary emergency service to Marineland. The Department of Environmental Regulation (DER) Operating Reports, for the twelve months ending February, 1992, and discussions with Palm Coast reveal that Palm Coast currently has six million gallons per day (MGD) water plant capacity with 2.55 MG above-ground storage available. Additionally, Palm Coast is in the final stages of completion of a 2 MGD water treatment plant. Since Palm Coast is pumping slightly more than 3.5 MGD and Marineland has requested a maximum of .072 MGD, it appears that Palm Coast has adequate capacity to serve its regular customers and to provide emergency temporary water service to Marineland.

The rate for a general service customer with a 2" meter is a monthly base facility charge of \$80.91 plus a gallonage charge of \$3.45 per 1,000 gallons used. These rates became effective on September 10, 1990, as a result of a 1990 Pass-Through request. Further, the Agreement states that Palm Coast has agreed to supply up to 72,000 gallons of water per day to Marineland for the temporary period of time, subject to Commission approval. The contract will expire on February 6, 1993, unless it is extended by mutual agreement between Palm Coast and Marineland.

Palm Coast may wish to extend the contract period, at which time the impact on Palm Coast's regular customers, both in terms of excess capacity available and the possibility of requiring Marineland to pay service availability charges, should be reassessed. Alternatively, Marineland may find other solutions and wish to cancel the contract. Therefore, Palm Coast shall file a request to either cancel the tariff or continue to provide service to Marineland at least 60 days prior to the end of the contract period.

Based on the information contained herein, we hereby approve Palm Coast's request for a new class of service to provide temporary emergency water service to Marineland in accordance with the approved rates for general service customers. The tariff

request shall become effective for Palm Coast upon approval of the previously filed tariff sheet, but will be considered interim in nature. The rates will become final unless a substantially affected person files a petition for a formal proceeding within 21 days of the date of issuance of this Order. If a protest is filed, the utility may collect the rates on an interim basis, subject to refund, until the resolution of the protest.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that the request by Palm Coast Utility Corporation to provide a new class of service to provide temporary emergency water service to the City of Marineland in accordance with the approved rates for general service customers is hereby approved. It is further

ORDERED that the tariff request shall become effective for Palm Coast Utility Corporation upon approval of the previously filed tariff sheet. It is further

ORDERED that the new class of service rates will become final unless a substantially affected person files a petition for a formal proceeding within twenty-one (21) days of the date of issuance of this Order. If a protest is filed, the utility may collect the rates on an interim basis subject to refund, until resolution of the protest. It is further

ORDERED that Palm Coast Utility Corporation shall file a request to either cancel the tariff or to continue to provide service to the City of Marineland at least 60 days prior to the end of the contract period, which is February 6, 1993.

ORDERED that this docket will be closed if no timely protest is received from a substantially affected person.

By ORDER of the Florida Public Service Commission, this 11th day of May, 1992.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LAJ

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), 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 June 1, 1992.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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 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 wastewater 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 date this Order becomes final, 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.