

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a staff) DOCKET NO. 920736-WS
assisted rate case in Flagler) ORDER NO. PSC-93-0023-FOF-WS
County by OCEAN CITY UTILITIES,) ISSUED: 01/05/93
INC.)
_____)

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 GRANTING REQUEST TO PLACE
STAFF ASSISTED RATE CASE IN SIX MONTH MONITOR STATUS

BY THE COMMISSION:

On July 20, 1992, Ocean City Utilities, Inc. (Ocean City or utility) applied for a staff-assisted rate case. In its application, the utility indicated that the Department of Environmental Regulation (DER) is requiring the utility to improve its wastewater treatment plant in order to accommodate the disposal of reverse osmosis unusable (reject) water. The utility also intends to move the Beverly Beach water treatment plant to another location and interconnect the systems.

Our Staff has completed an audit and engineering field investigation. However, we were not able to obtain copies of the utility's contracts with the builder of the wastewater plant additions, nor was the utility able to provide us with the estimated costs calculated for moving the water treatment plant. In addition, we have discovered that the DER construction permit for the wastewater plant additions has not been granted, and the utility could not provide a date certain for obtaining the permit. We informed the utility that we require signed contracts for all proforma plant improvements which are to be included in rate base for rate setting purposes.

By letter dated November 12, 1992, Ocean City requested that the 15 months statutory requirement for completing a staff-assisted rate case be waived. The utility also requested that this docket be placed in monitor status for six months. Since the utility does not have a construction permit for plant improvements and does not know when this permit will be obtained, signed contracts cannot be provided for proforma plant improvements at this time. If the utility cannot obtain the DER construction permit required and the necessary signed contracts before June 15, 1993, the test year data

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that has already been verified will not be representative for rate setting purposes.

By a separate letter, the utility requested that the current application be deemed withdrawn if it is unable to provide this Commission with all of the required information within the six month monitor period.

Therefore, based on the foregoing, we find it appropriate to place this docket in monitor status for six months. The monitor status began on the date of our decision, December 15, 1992 and it shall end on June 15, 1993, six months thereafter. This Docket shall remain open. However, if the utility has not obtained the DER construction permit and has not provided the necessary contracts for pro forma construction by the end of the six month monitor period, the current application shall be deemed withdrawn by the utility, and this Docket shall be closed administratively.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Ocean City Utilities, Inc.'s request to place its staff-assisted rate case application in a six month monitor status be granted, thereby waiving the 15 month statutory time limitation for completion of staff-assisted rate cases. The monitor period shall be established as the six month period of December 15, 1992, through June 15, 1993. It is further

ORDERED that this docket shall remain open until the end of the six month monitor period, ending June 15, 1993. However, if Ocean City Utilities, Inc. fails to submit to this Commission the required permit and signed contract, the application shall be deemed withdrawn by Ocean City Utilities, Inc., and this docket shall be closed administratively at the end of the six month period.

By ORDER of the Florida Public Service Commission this 5th day of January, 1993.



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.

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 wastewater 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.