

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Approval) DOCKET NO. 930171-WS
of Service Availability Policy) ORDER NO. PSC-93-0622-FOF-WS
and Modification of Service) ISSUED: April 21, 1993
Availability Charges in Martin)
County by INDIANTOWN COMPANY,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER SUSPENDING TARIFFS

BACKGROUND

Indiantown Company, Inc., (Indiantown or utility) is a class B utility providing service to approximately 1,566 water and 1,417 wastewater customers in Martin County, Florida. Martin County is located within the South Florida Water Management District, which has designated its entire district as a critical use area.

By Order No. PSC-92-0116-FOF-WS, issued March 30, 1992, this Commission ordered Indiantown to file an application for review of service availability charges by December 31, 1992. We believed a review was needed since we had previously granted Indiantown a territory expansion, which necessitated substantial plant additions, and since we established Indiantown's current service availability charges in 1976, when we granted its original certificate. By Order No. PSC-92-1282-FOF-WS, issued November 10, 1992, we granted Indiantown's request to extend the due date for its service availability filing to April 30, 1993.

On February 19, 1993, Indiantown filed the instant application for a change in its water and wastewater service availability charges.

SUSPENSION

In its application, Indiantown requests that it be allowed to restructure and increase its existing service availability charges. Indiantown currently assesses connection charges of \$300 for water and \$300 for wastewater. It proposes a \$237 plant capacity charge

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and \$1,711 main extension charge for water and a \$679 main extension charge for wastewater. With its application, Indiantown filed revised tariff sheets containing its proposed charges.

Section 367.091(5), Florida Statutes, states,

The Commission may withhold consent to the operation of any or all portions of the new rate schedules by a vote to that effect within 60 days giving a reason or statement of good cause for withholding that consent.

If we do not act timely to withhold consent to Indiantown's new tariffs, its proposed charges would go into effect, subject to refund, by operation of law. See Citizens of the State of Florida v. Wilson, 568 So.2d 904 (Fla. 1990).

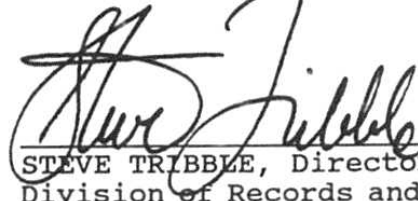
From our initial review of the filing, we note that the proposed increases in the service availability charges are substantial. We therefore find it reasonable and necessary to require further explanation, amplification, and corroboration of the data and calculations in the utility's filing. Accordingly, we hereby withhold consent to the utility's implementation of its requested charges.

As stated above, the utility filed its revised tariffs on February 19, 1993. This Order reflects our vote of March 30, 1993, which took place within the required 60 days.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the service availability tariffs proposed by Indiantown Company, Inc., are hereby suspended pursuant to § 367.091(5), Florida Statutes, pending further Order of the Commission.

By ORDER of the Florida Public Service Commission this 21st day of April, 1993.



STEVE TRIBBLE, Director

Division of Records and Reporting

(S E A L)
MJF

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.