

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 920273-SU
amendment of Certificate No.) ORDER NO. PSC-93-0794-FOF-SU
247-S to include Forest Park) ISSUED: May 24, 1993
Mobile Home Park and)
cancellation of Certificate No.)
175-S held by Forest Park)
Homeowners Association, 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

PROPOSED AGENCY ACTION
ORDER APPROVING CHARGE FOR WASTEWATER SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Forest Park is a mobile home subdivision consisting of approximately 437 lots which has been in existence since the early 1970's. Forest Park Property Owner's Association, Inc. (Association), obtained ownership of the wastewater system serving Forest Park in 1990, when it was purchased from a private company, Vista Villages, Inc. Certificate No. 175-S was transferred from Vista Villages, Inc. to the Association by Order No. PSC-92-0193-FOF-SU, issued April 13, 1992.

Due to numerous violations of environmental standards, the Association entered into a Consent Order with the Department of Environmental Regulation (DER) providing for the interconnection of its wastewater system with NFMU and the dismantlement of its wastewater treatment plant. The Association retained ownership and maintenance responsibility of the collection lines. On March 26, 1992, NFMU filed an application for amendment of its wastewater

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certificate to provide service to the Forest Park Mobile Home subdivision and to cancel the certificate held by the Association. NFMU also filed a limited proceeding to charge its rates and charges within the subdivision. The limited proceeding was processed in Docket No. 920379-SU.

By Order No. PSC-92-0588-FOF-SU, issued June 30, 1992, the Commission approved NFMU's application for amendment, granted NFMU temporary authority to charge its rates and charges within Forest Park, and suspended the authorized rates of the Association. By Order No. PSC-92-1357-FOF-SU, issued November 23, 1992, the NFMU rates being charged to the residents of Forest Park were made permanent and the request to cancel the certificate held by the Association was denied because the Association retained ownership of the collection system and planned to receive compensation for maintenance of the system from non-members of the Association. By that order, the Association was directed to file a proposed charge for the maintenance of the collection system along with supporting documentation.

The Association engaged the services of a professional engineer to evaluate the wastewater collection system and define the Association's needs to properly provide for continuing inspection and maintenance of that system. Based on engineer's evaluation, the Association proposed a charge of \$1.68 per month per customer to recover the cost of ongoing maintenance, which will include a televised inspection and cleaning of the lines every five years and annual repairs of piping, manholes and service connections. We have reviewed the documentation and find the proposed charge to be reasonable. However, we also find it appropriate to require that this charge be billed as a separate charge from the general maintenance fee to insure that it will not be modified without prior Commission approval.

The Association has not requested any service availability charges, and has no plans to add any additional lines or customers in the future. Therefore, no service availability charge has been approved.

The Association shall file revised tariff sheets reflecting the approved charge. The revised tariffs will be approved upon staff's verification that the tariff sheets are consistent with our decision herein. If no timely protest is received, the charge will be effective for bills rendered on or after the stamped approval date on the revised tariff sheets.

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Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that this Order shall become final and the docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 east Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review. It is further

ORDERED that Forest Park Property Owner's Association, Inc. is hereby authorized to charge \$1.68 per month per customer. It is further

ORDERED that Forest Park Property Owner's Association shall bill customers the Commission approved charge as a separate charge from customers' general maintenance fee. It is further

ORDERED that prior to the implementation of the approved charge, Forest Park Property Owner's Association shall submit and have approved revised tariff sheets. The revised tariff sheets will be approved upon Staff's verification that the tariff sheets are consistent with our decision herein, and that the time for protesting this Order has expired and no such protests were filed. It is further

ORDERED that the charge approved herein shall be effective for bills rendered on or after the stamped approval date of the revised tariff sheets. It is further

ORDERED that if no timely objections are filed to the proposed agency action establishing a rate for maintenance of the lines, this docket shall be closed upon the approval of the revised tariff sheets.

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By ORDER of the Florida Public Service Commission this 24th
day of May, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
CB

by: Kay Ferguson
Chief, Bureau of Records

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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 14, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it

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satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective 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 effective date 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.