

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Revision of Formula Used) DOCKET NO. 930914-WS
to Gross-up Contributions-in-) ORDER NO. PSC-94-0156A-FOF-WS
Aid-of-Construction (CIAC).) ISSUED: April 11, 1994
_____)

NOTICE OF PROPOSED AGENCY ACTION
AMENDATORY ORDER

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

By Proposed Agency Action (PAA) Order No. PSC-94-0156-FOF-WS, issued February 9, 1994, this Commission revised the gross-up formula as contained in Order No. 23541 and required utilities currently using the full gross-up method to submit revised tariff sheets reflecting the revised formula. The PAA order is hereby amended to reflect the deletion of an unnecessary parenthesis, inadvertently included in the formula found on page 3 of the Order. The formula as contained in the staff recommendation voted on by this Commission is correct. Therefore, it is only necessary to amend Order No. PSC-94-0156-FOF-WS to the extent set forth below.

The formula for utilities using straight-line depreciation as found on page 3 of Order No. PSC-94-0156-FOF-WS is hereby corrected to read to delete a parenthesis that appeared before the first "CP" in the formula. The correct formula is:

$$CP + (((CP - (CP*(1/TL) * .5)) * CTR) * (1/(1-CTR)))$$

The formula for utilities using an accelerated rate of depreciation as found on page 3 of Order No. PSC-94-0156-FOF-WS is hereby corrected to read to delete a parenthesis that appeared before the first "CP" in the formula. The correct formula is:

$$CP + (((CP - (CP*AR*.5)) * CTR) * (1/(1-CTR)))$$

Orders Nos. PSC-94-0156-FOF-WS and 23541 shall be reaffirmed in all other respects.

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Because the protest period to Order No. PSC-94-0156-FOF-WS has expired, but the formula as contained in that Order is being amended, substantially affected persons shall have the opportunity to protest this Order within the specified time frame. Utilities currently using the full gross-up method, as reflected in Schedule No. 1 below, shall submit revised tariff sheets reflecting the revised formula within sixty days of the effective date of this Order.

Upon receipt of the revised tariff sheets, Staff shall have administrative authority to approve the tariff sheets if the tariff sheets are consistent with the decision herein. Upon expiration of the protest period, if no protests have been timely received, this docket may be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-94-0156-FOF-WS is hereby amended to the extent set forth above. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that Orders Nos. PSC-94-0156-FOF-WS and 23541 are reaffirmed in all other respects. It is further


ORDERED that the utilities currently using the full gross-up method as contained in Order No. 23541 shall submit revised tariff sheets which reflect the revised formula within sixty days of the effective date of this order. It is further

ORDERED that upon receipt of the revised tariff sheets, Staff shall have administrative authority to approve the tariff sheets if the tariff sheets are consistent with the decision herein. It is further

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ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 11th day of April, 1994.



BLANCA S. BAYO, 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.

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 May 2, 1994.

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 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.

SCHEDULE NO. 1

LIST OF COMPANIES WITH FULL GROSS-UP AUTHORITY

1. ALOHA UTILITIES, INC
2. CLAY UTILITY COMPANY
3. EAGLE RIDGE UTILITIES, INC.
4. EAST CENTRAL FLORIDA SERVICES, INC.
5. FOREST UTILITIES, INC.
6. FOUNTAIN LAKES SEWER CORP
7. GULF AIRE WASTEWATER TREATMENT PLANT
8. GULF UTILITY COMPANY
9. HUDSON BAY COMPANY
10. HYDRATECH UTILITIES, INC.
11. INDIANTOWN COMPANY, INC.
12. JJ'S MOBILE HOMES, INC.
13. LAKE GROVES UTILITIES, INC.
14. LAKE HILLS UTILITY COMPANY
15. MID CLAY SERVICE CORP
16. NORTH FORT MYERS UTILITIES, INC.
17. ORANGE-OSCEOLA UTILITIES, INC.
18. ORTEGA UTILITY COMPANY
19. POINCIANA UTILITIES, INC.
20. ROLLING OAKS UTILITIES, INC.
21. SANLANDO UTILITIES CORP
22. SUNBELT UTILITIES, INC.
23. SUNRAY UTILITIES, INC.
24. TRADEWINDS UTILITIES, INC.
25. PARKLAND UTILITIES, INC.*

* Pending authority