

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a 1993 ) DOCKET NO. 940203-WU  
Price Index Rate Adjustment in ) ORDER NO. PSC-94-0446-FOF-WU  
Alachua County by Landis ) ISSUED: April 13, 1994  
Enterprises, Inc. )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING APPLICATION FOR A  
1993 PRICE INDEX RATE ADJUSTMENT

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.

Lake Alto Water System (Lake Alto) is a Class "C" Water utility located in Alachua County. Lake Alto has been in operation in Alachua County since approximately 1969. The owner of Lake Alto abandoned the system when Alachua County came under this Commission's jurisdiction in June, 1992. In November, 1992, Landis Enterprises, Inc. (LEI) was appointed as receiver of Lake Alto. On March 8, 1993, LEI purchased Lake Alto. This Commission approved the transfer of Certificate No. 556-W to LEI by Order No. PSC-93-1550-FOF-WU, issued October 21, 1993.

On January 31, 1994, LEI filed an application for a 1993 price index rate adjustment. Under Section 367.081(4)(a), Florida Statutes, price index rate adjustments are to be based upon "operating costs incurred by the utility during the immediately preceding calendar year". LEI's application only includes data for November and December of 1992. We are not convinced that two months' of actual data is reasonably reflective of the entire year in an area which may be subject to seasonal fluctuations in

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occupancy, consumption and, therefore, utility expenses. We also note that LEI failed to file proposed tariffs.

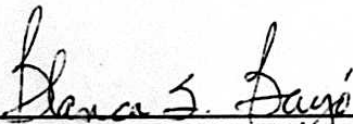
Since LEI is unable to provide twelve months' of actual data for 1992 and failed to file proposed tariffs, it has not met the minimum filing requirements for a price index rate adjustment. Its application is, accordingly, denied.

It is, therefore,

ORDERED by the Florida Public Service Commission that the application for a 1993 price index rate adjustment by Landis Enterprises, Inc. is denied. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

ORDER of the Florida Public Service Commission, this 13th day of April, 1994.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

RJP

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 4, 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.