

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate increase in Brevard, Charlotte/Lee, Citrus, Clay, Duval, Highlands, Lake, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, Volusia, and Washington Counties by SOUTHERN STATES UTILITIES, INC.; Collier County by MARCO SHORES UTILITIES (Deltona); Hernando County by SPRING HILL UTILITIES (Deltona); and Volusia County by DELTONA LAKES UTILITIES (Deltona).

) DOCKET NO. 920199-WS
) ORDER NO. PSC-95-0495-FOF-WS
) ISSUED: April 19, 1995

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JULIA L. JOHNSON

ORDER GRANTING EXTENSION OF TIME

BY THE COMMISSION:

Southern States Utilities, Inc., and Deltona Utilities, Inc., (the utility or SSU) are collectively a class A water and wastewater utility operating in various counties in the State of Florida. On May 11, 1992, SSU filed an application to increase the rates and charges for 127 of its water and wastewater systems regulated by this Commission. According to the information contained in the minimum filing requirements (MFRs), the total annual revenue for the water systems filed in the application for 1991 was \$12,319,321 and the net operating income was \$1,616,165. The total annual revenue for the wastewater systems filed in the application for 1991 was \$6,669,468 and the net operating income was \$324,177.

By Order No. PSC-92-0948-FOF-WS, issued September 8, 1992, and as amended by Order No. PSC-92-0948A-FOF-WS, issued October 13, 1992, we approved interim rates designed to generate annual water and wastewater systems revenues of \$16,347,596 and \$10,270,606, respectively. By Order No. PSC-93-0423-FOF-WS (also referred to as the Final Order), issued March 22, 1993, we approved an increase in

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the utility's rates and charges which set rates based on a uniform statewide rate structure. We then addressed several motions for reconsideration. Upon the filing of petitions for reconsideration, SSU filed a motion requesting a stay of the provisions of the Final Order requiring refunds of interim revenues within 90 days. We approved this motion by Order No. PSC-93-0861-FOF-WS, issued June 8, 1993.

On September 15, 1993, pursuant to the provisions of the Final Order, our staff approved the revised tariff sheets and the utility proceeded to implement the final rates. On October 8, 1993, Citrus County and Cypress and Oak Villages (COVA) filed a Notice of Appeal of the Final Order at the First District Court of Appeal. That Notice was amended to include the Commission as a party on October 12, 1993. On October 18, 1993, the utility filed a Motion to Vacate Automatic Stay. By Order No. PSC-93-1788-FOF-WS, issued December 14, 1993, we granted the utility's motion to vacate the automatic stay. The Order on Reconsideration, Order No. PSC-93-1598-FOF-WS was issued on November 2, 1993.

In the Final Order we addressed the impact of uniform rates upon SSU's service availability charges, and whether service availability charges must be revised prior to establishing statewide rates. After reviewing the testimony and evidence, we found that a review of service availability charges was not required prior to establishing rates in this proceeding or prior to implementing uniform, statewide rates, that a change in the service availability charges would not affect current revenue requirements, and that it would be many years before any increase in service availability charges would affect rates. However, we did find it appropriate to require the utility to file an application for service availability charges within two years of the issuance of the Final Order. As the order was issued March 22, 1993, SSU should have filed its application by March 23, 1995.

On March 3, 1995, SSU filed a motion for extension of time to initiate the service availability filing. SSU's motion detailed the activities in this docket, the uniform rate investigation docket (Docket No. 930880-WS), and the docket investigating our jurisdiction over SSU's facilities (Docket No. 930945-WS). SSU alleged in its motion that "these and other dockets have consumed the time of SSU's staff since March 22, 1993". SSU stated that although it has attempted to compile the data for the service availability filing, it has been unable to complete the filing by the March 22, 1995 deadline. SSU also stated that it anticipates

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filing a general rate increase by June 30, 1995, with the requested historical test year of 12 months ending December 31, 1994. SSU intends to base its service availability filing upon the same information. Because the financial information will not be available until at least March 31, 1995, the utility stated that it will not be able to file the service availability request until June 30, 1995.

In its motion, SSU did not allege that the pending cases have had a substantive impact upon the service availability filing. Rather, it contended that the workload produced by those pending matters made it impossible to make the filing within the deadline. SSU's request will result in a three month extension of time to make the filing.

We find that there is no substantive harm in delaying the filing of a service availability case for a short period of time. However, we do note that SSU has had two full years to prepare this filing and should not be surprised by the time requirement now. Despite this concern, we find it appropriate to grant SSU's motion for extension of time, and permit the utility to make its service availability filing by June 30, 1995. However, SSU shall be placed on notice that any further delay may warrant the initiation of a show cause proceeding.

The utility is continuing to make refunds and must file a final report addressing additional adjustments to CIAC accounts. Because of these matters and the appeal pending before the First District Court of Appeal, this docket shall remain open.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern States Utilities, Inc.'s motion for extension of time to make a service availability filing is hereby granted. It is further

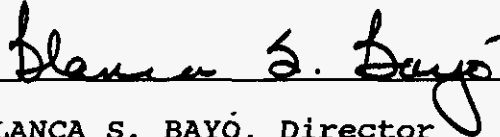
ORDERED that Southern States Utilities, Inc. shall make a service availability filing with this Commission by June 30, 1995. It is further

ORDERED that this docket shall remain open.

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By ORDER of the Florida Public Service Commission, this 19th
day of April, 1995.



BLANCA S. BAYÓ, 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.

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