

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of) DOCKET NO. 950237-WU
Revised Tariff Sheets by Gulf) ORDER NO. PSC-95-0551-FOF-WU
Utility Company in Lee County) ISSUED: May 8, 1995
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER SUSPENDING TARIFFS

BY THE COMMISSION:

BACKGROUND

Gulf Utility Company (GUC or utility) is a Class A utility providing water and wastewater service in Lee County. According to its 1993 annual report, the utility provides approximately 6,109 customers with water and 1,867 customers with wastewater service. In 1993, GUC reported operating revenues of \$1,868,964 and \$952,577, and a net operating income of \$484,758 and \$272,228 for its water and wastewater systems, respectively.

On February 28, 1995, GUC filed a request for approval of revised tariff sheets pursuant to Section 367.091, Florida Statutes. The utility has proposed an amended charge for meter installation of a 1 1/2 inch meter. GUC's current tariff allows for an installation charge of \$378.00. This current charge includes the cost of a backflow prevention device. An amended meter installation charge of "Actual Cost" would allow the utility to charge the customer only for the parts and labor used in the meter installation, and would not include the cost of a backflow prevention device. This charge would be approximately \$240.00. The purchase and installation of the backflow prevention devices for 1 1/2 inch, or greater, meters would be the responsibility of the customer and required by the utility.

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FPSC-RECORDS/REPORTING

SUSPENSION

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 GUC's new tariffs, its proposed changes 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).

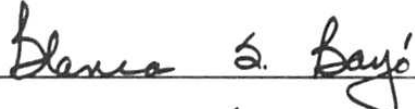
While reviewing the application, we realized that additional information regarding GUC's backflow prevention policies would be needed. Therefore, a set of data requests was sent to the utility on March 20, 1995. Responses to the data requests were submitted to the Commission on April 3, 1995. We believe that additional time is needed to further analyze the data sent by GUC. Accordingly, we find it appropriate to suspend the tariffs filed by GUC. This docket shall remain open pending further investigation.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the revised tariffs proposed by Gulf Utility Corporation are hereby suspended pursuant to Section 367.091(5), Florida Statutes. It is further

ORDERED that this docket shall remain open pending further investigation.

By ORDER of the Florida Public Service Commission, this 8th day of May, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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.