

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate ) DOCKET NO. 950495-WS  
increase and increase in service ) ORDER NO. PSC-95-1043-FOF-WS  
availability charges by Southern ) ISSUED: August 21, 1995  
States Utilities, Inc. for )  
Orange-Osceola Utilities, Inc. )  
in Osceola County, and in )  
Bradford, Brevard, Charlotte, )  
Citrus, Clay, Collier, Duval, )  
Highlands, Lake, Lee, Marion, )  
Martin, Nassau, Orange, Osceola, )  
Pasco, Putnam, Seminole, St. )  
Johns, St. Lucie, Volusia, and )  
Washington Counties. )

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 FINDING DEFICIENCY AND  
REQUIRING REVISED FILING

BY THE COMMISSION:

Southern States Utilities, Inc. (SSU or utility) is a Class A utility, which provides water and wastewater service to 139 service areas in 22 counties. By Order No. PSC-95-0894-FOF-WS, issued July 21, 1995, in Docket No. 930495-WS, we determined that SSU's facilities and land constituted a single system and that this Commission had jurisdiction over all of SSU's facilities and land throughout the state pursuant to Section 367.171, Florida Statutes. At the time of the filing in that docket, SSU provided service in the following "non-jurisdictional" counties: Hernando, Hillsborough, Polk, and Sarasota. SSU has since sold the facilities located in Sarasota County.

On June 28, 1995, SSU filed an application with this Commission requesting increased water and wastewater rates for 141 service areas, pursuant to Section 367.081, Florida Statutes. The utility has proposed a division of water service areas into two classifications for the purposes of rate structure: Conventional and Reverse Osmosis; and has proposed a uniform rate for its

DOCUMENT NUMBER-DATE

08076 AUG 21 88

FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-1043-FOF-WS  
DOCKET NO. 950495-WS  
PAGE 2

wastewater customers. The utility also requested that we approve an allowance for funds used during construction (AFUDC) and an allowance for funds prudently invested. By Order No. PSC-95-0495-FOF-WS, issued April 19, 1995, we ordered SSU to make a service availability filing. Consistent with that order, SSU filed its service availability case in this docket. SSU has requested rate relief in 22 counties, but its original application does not include SSU's facilities in Hernando, Hillsborough and Polk Counties.

Pursuant to Rule 25-30.025, Florida Administrative Code, the official date of filing is the date on which the Director of the Division of Water and Wastewater determines that the utility has filed completed sets of minimum filing requirements (MFRs). Any dispute regarding the official date of filing is resolved by this Commission.

Our Staff reviewed the company's application and accompanying documents to determine whether the minimum filing requirements (MFRs) pursuant to Rule 25-30.433, Rule 25-30.436, and Rule 25-30.437, Florida Administrative Code, had been met. In a July 10, 1995 letter, Staff advised the utility that after a review of the information, the filing was incomplete and the MFRs deficient. Staff listed nine specific deficiencies concerning schedules and other filings made by the utility. Staff's letter also stated that because of our decision in Docket No. 930945-WS that the utility's facilities and land constitute a single system, and because the utility requested uniform rates, the application must be modified to include Hernando, Hillsborough, and Polk Counties.

In response, SSU requested that Staff reconsider its position that the three counties must be included in the application. SSU did not dispute the nine listed deficiencies required by the rule, and on July 17, 1995, filed information related to the nine deficiencies. However, SSU continued to assert that the official filing date was unrelated to the information on Hernando, Hillsborough and Polk Counties. SSU indicated that while it agrees with our decision in Docket No. 930945-WS, the apparent certainty of reconsideration and appeal of that decision indicates that filing for Hernando, Hillsborough and Polk Counties would be premature. SSU also pointed out that our rules do not include the deficiency cited by Staff. SSU claimed that the preparation of the information for the three counties would be a "labor intensive and time consuming process" which may be futile if an appeal is taken and a stay imposed.

SSU agreed to provide information regarding the three counties to the extent that that information may be necessary to conduct the

ORDER NO. PSC-95-1043-FOF-WS  
DOCKET NO. 950495-WS  
PAGE 3

proceeding regarding the other 22 counties. However, SSU did not intend to include Hernando, Hillsborough, or Polk Counties in its filings for the purpose of recovering its revenue requirement. SSU proposed that this docket should go forward without the three counties, and that their rates and charges should instead be determined in a subsequent ratemaking proceeding after a final determination is rendered in the jurisdiction docket.

SSU correctly pointed out that the deficiency at issue is not a part of the MFRs enumerated in Chapter 25-30 of the Florida Administrative Code. Our rules do not explicitly require a utility to include all of its lands and facilities in a request for rate relief. Nevertheless, the fact that we have found that SSU's facilities and land constitute a single system, requires that the utility include all of its facilities when seeking uniform rates.

We agree with SSU that we should be concerned with the possible confusion that may arise, given the timing of the decision in the jurisdiction docket and SSU's decision to file for a rate proceeding. At this point we cannot determine whether a motion for reconsideration or an appeal of the order in Docket No. 930945-WS, will be taken, and if so, whether a stay of the decision will be imposed or lifted. Any of these variables could complicate the process of this rate proceeding. However, we cannot ignore the fact that we have voted in Docket No. 930945-WS, and at the time that the utility filed its application, our decision is still in force.

SSU has suggested that this docket should go forward without Hernando, Hillsborough and Polk Counties, and that those counties' rates and charges should be determined in a separate proceeding after the appeals have been exhausted. If we were to implement a separate "uniform" rate for those three counties based only upon the financial information for those counties, it would be establishing separate, and therefore, inequitable rates, for those counties. If we were to approve implementing the same uniform rate as had been established for the other 22 counties, then that rate would not be reflective of the revenue requirement for Hernando, Hillsborough and Polk Counties.

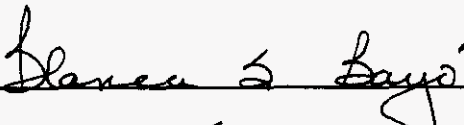
For the reasons set forth above, we find that the exclusion of Hernando, Hillsborough and Polk Counties from SSU's application constitutes a deficiency. SSU shall amend its filing to include those counties in its request for uniform rates. Until that information is included, an official date of filing will not be established.

ORDER NO. PSC-95-1043-FOF-WS  
DOCKET NO. 950495-WS  
PAGE 4

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the filing made by Southern States Utilities, Inc., is deficient and shall not be considered complete until the utility has included Hernando, Hillsborough, and Polk County in its filing.

By ORDER of the Florida Public Service Commission, this 21st day of August, 1995.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

MEO

ORDER NO. PSC-95-1043-FOF-WS  
DOCKET NO. 950495-WS  
PAGE 5

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.