

MEMORANDUM

October 10, 1997

RECEIVED

OCT 13 1997

10:15

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FERGUSON) *CF*

RE: DOCKET NO. 971041-WS - APPLICATION FOR INCREASED SERVICE AVAILABILITY CHARGES IN LEE COUNTY BY GULF UTILITY COMPANY.

DSC-97-1231-PCO-WS

Attached is an ORDER SUSPENDING SERVICE AVAILABILITY TARIFF, to be issued in the above-referenced docket.

(Number of pages in order - 4)

CF/der

See 1

Attachment

cc: Division of Water and Wastewater (Galloway, Fuchs, Rendell)

I:971041or.cf

2/0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increased service availability charters in Lee County by Gulf Utility Company.

DOCKET NO. 971041-WS
ORDER NO. PSC-97-1231-PCO-WS
ISSUED: October 13, 1997

The following Commissioners participated in the disposition of this matter:

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

ORDER SUSPENDING SERVICE AVAILABILITY TARIFF

BY THE COMMISSION:

Background

Gulf Utility Company (Gulf or utility) is a Class A utility which serves approximately 7,254 water customers and 2,584 wastewater customers in Lee County, Florida, according to its 1996 Annual Report. The utility also reported in its 1996 Annual Report, water revenues in the amount of \$2,153,240 and wastewater revenues in the amount of \$1,250,181. The utility is located in a water use caution area as designated by the South Florida Water Management District.

By Order No. PSC-96-0501-FOF-WS, issued April 11, 1996, the Commission initiated an overearnings investigation and ordered that Gulf's water revenues be held subject to refund. On June 27, 1996, Gulf filed an application for an increase in wastewater rates, approval of a decrease in water rates, and approval of service availability charges. Both the overearnings docket and the rate proceeding docket were combined.

By Order No. PSC-97-0847-FOF-WS, issued July 15, 1997, the Commission approved an increase in wastewater revenues of 10.06% and a decrease in water revenues of 10.64%. By the same order, the Commission approved plant capacity charges for the water and wastewater systems in the amount of \$550 and \$800, respectively. On

DOCUMENT NUMBER-DATE

10452 OCT 13 97

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-1231-PCO-WS
DOCKET NO. 971041-WS
PAGE 2

July 30, 1997, the utility filed a Motion for Reconsideration of Order No. PSC-97-0847-FOF-WS.

On August 5, 1997, the utility petitioned this Commission to amend its tariff to include a jack and bore charge. In its application, the utility stated that "Gulf's current jack and bore rig is unable to perform many service installations due to the width of pavement that has to be crossed." The utility further stated that some of these services have been contracted out at a loss to Gulf. Therefore, Gulf proposed the charge be included in its tariff.

SUSPENSION OF SERVICE AVAILABILITY CHARGES

Section 367.091 (5), Florida Statutes, states that the Commission may withhold consent to the operation of any or all portions of new rate schedules, by a vote to that effect within 60 days giving a reason or statement of good cause for withholding its consent. If the Commission does not withhold consent, the new rate schedules may be assumed in effect after 60 days.

We have reviewed the utility's application, its proposed rates, and the information filed in support of the application. Upon consideration, we believe that further explanation, elaboration, and corroboration of the information filed by the utility is necessary. We therefore, find it appropriate to suspend the utility's proposed tariff to include jack and bore service availability charges. Our review of the application will include further examination by our engineers and rate specialists. Accordingly, this docket shall remain open.

Based on the foregoing, it is

ORDERED that the proposed tariff to increase service availability charges for a jack and bore charge for Gulf Utility Company is hereby suspended.

ORDER NO. PSC-97-1231-PCO-WS
DOCKET NO. 971041-WS
PAGE 3

By ORDER of the Florida Public Service Commission this 13th
day of October, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.