

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for uniform
service availability charges in
Duval, Nassau, and St. Johns
Counties by United Water Florida
Inc.

DOCKET NO. 000610-WS
ORDER NO. PSC-00-1242-PCO-WS
ISSUED: July 10, 2000

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER DENYING MOTION FOR CLARIFICATION AND
GRANTING MOTION FOR EXTENSION OF TIME

BY THE COMMISSION:

BACKGROUND

United Water Florida Inc. (UWF or utility), is a Class A
utility providing water and wastewater service to approximately
27,000 customers in Duval, Nassau, and St. Johns Counties.

By Order No. PSC-97-0618-FOF-WS, issued May 30, 1997, in
Docket No. 960451-WS, (May Order), we ordered UWF to file a service
availability application (Application) within three years of the
issuance of that Order. On June 16, 1997, UWF filed a Motion for
Reconsideration of the May Order. On September 30, 1997, we issued
Order No. PSC-97-1146-FOF-WS, (September Order), Granting in Part
and Denying in Part Motion for Reconsideration and Amending Order
No. PSC-97-0618-FOF-WS.

By letter dated May 4, 2000, St. Johns County (County) stated
that the residents of the Ponte Vedra Municipal Services District
(MSD) have asked UWF to construct a sewer transmission line to
serve the MSD, and that UWF has refused, stating that construction
of such a line will violate its approved service availability
policies. Therefore, the County has requested that we address

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whether UWF should construct this line in UWF's service availability docket. The County intends to intervene and actively participate in this docket, and oppose any extension of time which would delay resolution of their dispute with UWF.

By letter dated June 6, 2000, UWF stated that it "will provide wastewater service to the residents of the MSD who apply for service, but consistent with UWF's tariff on file with the Commission, such applicants must pay for the extension of the collection system needed to provide such service." Before contributions are made, the MSD must file an "[a]pplication for new services . . . in writing . . . on forms provided by Utility Company." Tariff Sheet No. 28.2, Rule A.5. UWF states that it is not aware of any such application from the MSD. Furthermore, UWF's tariff states that it "shall be obligated to furnish wastewater service to a Property Owner only as a result of and under the terms of a properly executed Service Agreement." Tariff Sheet No. 28.1, Rule A.3. UWF states that it has not entered into a service agreement with the MSD.

On May 22, 2000, UWF filed a Motion for Clarification of Time or in the alternative, Motion for Extension of Time. UWF states that the stipulation in the May Order agreed to by both UWF and this Commission was that:

UWF's service availability charges shall not be made uniform at this time. However, the utility shall file a service availability application within three years after the final rate case Order is issued in this docket. (OPC [Office of Public Counsel] took no position on this issue).

UWF contends that since it filed a Motion for Reconsideration of the May Order, the "final rate case order", referred to in the stipulation, was the September Order.

In the alternative, UWF has filed for an extension of time for filing the Application to July 30, which is the midpoint between May 30, 2000 and September 30, 2000.

MOTION FOR CLARIFICATION

In its Motion, United Water seeks clarification of whether the three year period should run from the date of the May Order or the September Order. The stipulation in the May Order states that the

application shall be filed three years from the "final rate case order in this docket" (emphasis added). However, the ordering paragraph requires UWF to "file a service availability application within three years of the date of issuance of this Order" (emphasis added). UWF asserts that since the September Order amended the May Order, the "final rate case order" referred to in the stipulation is the September Order. Therefore, UWF claims that it has until September 30, 2000, to file its application.

The stipulation referred to in the May Order was agreed to by the parties at the prehearing conference held on January 17, 1997. At the prehearing conference, our staff stated that a stipulation could be reached if the utility would agree to file its service availability application in two years, instead of waiting until the next rate case. The utility proposed three years, and our staff recommended that the utility should file a service availability application "within three years after the current rate case order is issued" (emphasis added). (TR 88:7-10). The "current rate case order" contemplated by the parties, at that time, was the May Order.

Furthermore, it is clear from the ordering paragraph that we intended the three year period to begin from the issuance date of the May Order. Order No. PSC-97-0618-FOF-WS clearly states that "United Water Florida Inc., shall file a service availability application within three years of the date of issuance of this Order." Therefore, the motion for clarification is hereby denied.

MOTION FOR EXTENSION OF TIME

In support of its Motion for Extension of Time, UWF states that the data needed for the Application is very extensive and complex, and the accumulation and analysis of that data is very time consuming. UWF also desires to meet with our staff prior to filing to discuss the form and substance of the information to be provided, including the level of detail to be included, as well as other matters related to the Application. UWF asserts that the proposed plan of a prefiling meeting and a July 30, 2000, filing date will result in a better and more complete filing and promote administrative efficiency. OPC, the only other party to the 1996 rate case, has been advised of this Motion for Extension of Time but has not taken a position on it.

As noted above, the County intends to intervene and actively participate in this docket, and oppose any extension of time in

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which to file the Application. However, staff has spoken with counsel for the County, who has advised that the County would not be opposed to an extension until June 30, 2000.

We agree with UWF's rationale for granting an extension to July 30, 2000. Service availability cases are normally very complex. In the last three years, we have handled several service availability cases in which substantial additional information was required from utilities after filing in order to estimate plant and customer growth needs for seven to ten years into the future. The current case will address uniform service availability charges, thereby magnifying the level of complexity. We find that UWF's proposal for a prefiling meeting will facilitate the filing of a more complete application. We find that it is reasonable to grant the utility an extension of time in which to file its Application. Therefore, UWF's Motion for Extension of Time to July 30, 2000, to file its service availability application is hereby approved.

This docket shall remain open pending review of the service availability application which UWF is required to provide under the terms of Order No. PSC-97-0618-FOF-WS.

Based on the foregoing, it is

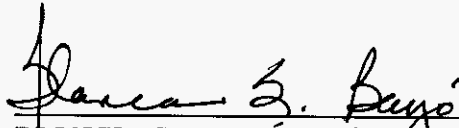
ORDERED by the Florida Public Service Commission that the Motion for Clarification by United Water Florida Inc. is hereby denied. It is further

ORDERED that the Motion for Extension of Time to July 30, 2000, by United Water Florida Inc. is hereby approved. It is further

ORDERED that this docket shall remain open pending review of the service availability application which United Water Florida Inc. is required to provide under the terms of Order No. PSC-97-0618-FOF-WS.

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By ORDER of the Florida Public Service Commission this 10th
day of July, 2000.



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 120.569(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

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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.