

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase  
in wastewater service  
availability charges in Lee  
County by Forest Utilities, Inc.

DOCKET NO. 011682-SU  
ORDER NO. PSC-02-0314-PCO-SU  
ISSUED: March 11, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY

ORDER SUSPENDING PROPOSED SYSTEM CAPACITY CHARGE

BY THE COMMISSION:

Forest Utilities, Inc. (Forest or utility) is a Class B wastewater-only utility in Lee County. As of December 31, 2000, the utility served 2,032 wastewater customers and reported operating revenues of \$645,507 and a net operating loss of \$47,633.

On December 31, 2001, the utility filed an application to increase its system capacity charge. This Order addresses the suspension of the utility's proposed tariff sheets. We have jurisdiction pursuant to Section 367.101, Florida Statutes.

Pursuant to Section 367.091(6), Florida Statutes, the tariff sheets proposed by the utility become effective within 60 days after filing, unless we vote to withhold consent of the request. Further, we 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 that consent.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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We have reviewed the filing and have considered the utility's proposed charge, and the information filed in support of the application. We believe it is reasonable and necessary to require further amplification and explanation of this data and to require production of corroborative information, if necessary. Our review of the application will include further examination by our staff engineers and rate analysts. Therefore, the proposed tariff sheets to increase the system capacity charge for Forest Utilities, Inc. shall be suspended pending further investigation. This docket shall remain open pending the completion of the service availability case.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the final wastewater system capacity charge proposed by Forest Utilities, Inc. is hereby suspended. It is further

ORDERED that this docket shall remain open pending completion of the system capacity case.

By ORDER of the Florida Public Service Commission this 11th day of March, 2002.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

LAE

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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.

Any party adversely affected by this order, which is non-final in nature, may request (1) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, or (2) 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 the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Citizens of the State of Florida v. Mayo, 316 So.2d 262 (Fla. 1975), states that an order on interim rates is not final or reviewable until a final order is issued. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.