

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate increase in Marion, Orange, Pasco, Pinellas, and Seminole Counties by Utilities, Inc. of Florida.

DOCKET NO. 020071-WS

Investigation into ratemaking consideration of gain on sale from sales of facilities of Utilities, Inc. of Florida to the City of Maitland in Orange County and the City of Altamonte Springs in Seminole County.

DOCKET NO. 991890-WU
ORDER NO. PSC-02-1467-PCO-WS
ISSUED: October 25, 2002

ORDER CONSOLIDATING DOCKETS NOS. 991890-WU AND 020071-WS
AND CLOSING DOCKET NO. 991890-WU

Utilities, Inc. of Florida (UIF or utility), on a total company basis, is a Class A utility providing water and wastewater service to systems in the following counties: Marion, Orange, Pasco, Pinellas, and Seminole.

By letter dated February 26, 2002, UIF requested test year approval in order to file an application for general rate relief for its systems located in the counties noted above. On June 28, 2002, the utility filed minimum filing requirements (MFRs) to justify its requested rate increase. By letter dated July 19, 2002, the utility was notified that the MFRs were deemed to be deficient and corrections were requested. In response to that deficiency letter, the utility submitted additional explanations, schedules and data on September 3, 2002. However, the MFRs were still deemed to be deficient and by letter dated September 11, 2002, the remaining deficiencies were requested to be corrected by October 10, 2002. UIF corrected the remaining deficiencies on October 3, 2002. Thus, October 3, 2002, has been established as the official date of filing for the utility's rate case.

The utility has requested that the rate case be scheduled directly for hearing, and it filed its direct testimony with its June 28, 2002, MFR filing. The Office of Public Counsel (OPC)

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served its Notice of Intervention in this docket and by Order No. PSC-02-1026-PCO-WS, issued July 29, 2002, OPC's intervention was acknowledged.

Involved in Docket No. 991890-WU (gain on sale docket), are the utility's systems in Orange and Seminole Counties. By Order No. PSC-02-0657-PAA-WU, issued May 14, 2002, in that docket, the Commission found that a gain of \$61,669 was realized on the sale of UIF's Druid Isle water system and a portion of its Oakland Shores water system to the City of Maitland in Orange County. The Commission further found that a gain of \$269,661 was realized on the sale of UIF's Green Acres Campground water and wastewater facilities to the City of Altamonte Springs in Seminole County. The Commission proposed to order that the remaining customers of UIF would not receive recovery of the realized gains from the Maitland or Altamonte sales. On June 4, 2002, OPC protested that order and requested a hearing on the matter.

Rule 28-106.108, Florida Administrative Code, states that "[i]f there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party." The gain on sale issues which are the subject of OPC's protest filed in Docket No. 991890-WU are sufficiently related to rate case issues such that the gain on sale issues may be appropriately included in the utility's rate case filed in the instant docket, thereby obviating the need to hold separate hearings in the two dockets. Moreover, the two dockets involve identical parties.¹ Therefore, the consolidation of Dockets Nos. 991890-WU and 020071-WS will promote the just, speedy, and inexpensive resolution of the proceedings. UIF shall file its direct testimony for Docket No. 991890-WU on December 9, 2002. An Order Establishing Procedure will be issued to schedule the

¹ Although not all of UIF's customers potentially affected by the utility's rate case filing are involved in the gain on sale docket, all of the customers that are substantially affected by the Commission's proposed decision in the gain on sale docket are potentially affected by, and have a substantial interest in, the rate case filing.

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controlling dates such that sufficient time will be given for the filing of intervenor, staff, and rebuttal testimony prior to the consolidated hearing to assure that there will be no undue prejudice to the parties.

Based on the foregoing, it is

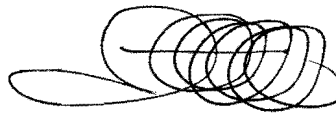
ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Dockets Nos. 991890-WU and 020071-WS shall be consolidated. It is further

ORDERED that Utilities, Inc. of Florida shall file its direct testimony for the gain on sale docket on December 9, 2002, and shall reference Docket No. 020071-WS on that filing. It is further

ORDERED that Docket No. 991890-WU shall be closed. Docket No. 020071-WS shall remain open in order to conduct a hearing on the utility's rate case as well as on the protest to the gain on sale case. It is further

ORDERED that all parties shall reference Docket No. 020071-WS on all future filings in these proceedings.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 25th day of October, 2002.



FR 3162

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

LAH/RG

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 the Commission Clerk and Administrative Services, 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.