

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 347-W to extend territory and application to increase service availability charges for SummerBrooke service area in Marion County by Marion Utilities, Inc.

DOCKET NO. 020928-WU
ORDER NO. PSC-03-0408-PCO-WU
ISSUED: March 25, 2003

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

Marion Utilities, Inc. (Marion or utility) is a Class A utility that provides service to approximately 4,724 water and 118 wastewater customers in Marion County. The utility is located primarily in the St. Johns River Water Management District, which is considered a water use caution area.

Pursuant to Section 367.045, Florida Statutes, on August 28, 2002, the Marion applied for an amendment to Certificate No. 347-W to include the area known as SummerBrooke, which will have 38 equivalent residential connections. The utility intends to provide water service to SummerBrooke by interconnecting the area with its Fore Acre system.

In conjunction with the application, on January 31, 2003, the utility filed a developer agreement which included new service availability charges for the proposed SummerBrooke development. Although Marion currently has service availability charges for the Fore Acre system to which Summerbrooke will be connected, the utility is requesting new service availability charges for the customers in SummerBrooke.

DOCUMENT NUMBER-DATE

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ORDER NO. PSC-03-0408-PCO-WU
DOCKET NO. 020928-WU
PAGE 2

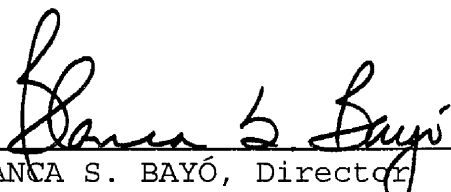
Section 367.091(6), Florida Statutes, states that this Commission may withhold consent to the operation of any or all portions of new rate schedules by a vote to that effect within 60 days giving a reason or statement of good cause for withholding our consent. After reviewing the filing and considering the utility's proposed charges and the information filed in support of the application, we find that it is reasonable and necessary to require further amplification and explanation of the data provided, and corroborative information, if necessary. Therefore, Marion's proposed tariff sheet for the service availability charges for SummerBrooke is hereby suspended, pending further investigation. This docket shall remain open pending completion of our investigation and for the processing of the amendment application.

It is, therefore,

ORDERED by the Florida Public Service Commission that the tariff sheet for service availability charges for the proposed SummerBrooke service area filed by Marion Utilities, Inc., 710 Northeast 30th Avenue, Ocala, Florida 34470, is hereby suspended. It is further

ORDERED that this docket shall remain open pending the completion of our investigation and for processing the amendment application.

By ORDER of the Florida Public Service Commission this 25th day of March, 2003.



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

(S E A L)

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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; 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. 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.