

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval
of new class of service for bulk
wastewater service in Lee County
by Forest Utilities, Inc.

DOCKET NO. 030748-SU
ORDER NO. PSC-03-1140-PCO-SU
ISSUED: October 13, 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:

Forest Utilities, Inc. (Forest or utility) is a Class B wastewater only utility providing service to approximately 2,068 wastewater customers in Lee County. As of December 31, 2002, the utility reported operating revenues of \$658,336 and operating expenses of \$620,559. On August 1, 2003, the utility filed an application pursuant to Section 367.091, Florida Statutes, for approval of a new class of service to provide bulk wastewater service to Jamaica Bay Mobile Home Park (Jamaica Bay) in Lee County. The application asserted that Jamaica Bay needed immediate assistance in treating its wastewater while it repairs its sewage treatment plant and ponds, as the Department of Environmental Protection has ordered it to do. On August 25, 2003, Lee County filed a motion to intervene, which was granted, and a motion to dismiss Forest's application.

On September 26, 2003, Lee County informed us that it had executed a contract with Jamaica Bay for temporary bulk wastewater service. Lee County requested that we defer our consideration of this docket in light of the changed circumstances. Section 367.091(5), Florida Statutes, however, provides that the rate schedules proposed by the utility shall become effective within

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sixty days after filing. Since that deadline expired on September 30, 2003, the day we addressed this application, we have decided to suspend the tariff.

We have reviewed Forest's filing of the proposed rate and the information filed in support of the application and the new facts that have recently arisen. Upon consideration, we find it reasonable and necessary to take into consideration the changed circumstances surrounding this case. Therefore, we suspend Forest Utilities, Inc.'s proposed tariff to add a new class of service to provide bulk wastewater service pending further investigation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Forest Utilities, Inc.'s proposed tariff to add a new class of service to provide bulk wastewater service in Lee County is hereby suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 13th Day of October, 2003.

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)

JAR

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.