

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of water tariff to implement Florida Department of Environmental Protection's requirement under Rule 62-555.360, F.A.C., that backflow prevention devices be tested on an annual basis, by O&S Water Company Inc.

DOCKET NO. 080606-WU
ORDER NO. PSC-08-0797-PCO-WU
ISSUED: December 3, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER SUSPENDING PROPOSED TARIFF SHEET

BY THE COMMISSION:

Background

O&S Water Company, Inc. (O&S or Utility) is a Class A utility which provides water service for approximately 2,743 customers in Osceola County. O&S's 2007 annual report shows an annual operating revenue of \$1,165,273 and a net operating income of \$65,484. The service area is located in the St. Johns River Water Management District, where the entire district is considered a water use caution area.

On September 24, 2008, the Utility filed an application for approval of a new tariff page requiring that all backflow prevention devices be inspected on an annual basis. This Order addresses the suspension of the proposed tariff page and allows us time for review of the filing.

We have jurisdiction pursuant to Sections 367.091 and 367.101, Florida Statutes (F.S.).

Decision Suspending Tariff

Section 367.091(6), F.S., states that 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 its consent. If we do not withhold consent, the proposed rates may be assumed in effect after 60 days.

We require further review of the filing and clarification of the need for annual inspections of these devices. Therefore, we find it is appropriate that this tariff filing be suspended pending further investigation.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that O&S Water Company, Inc.'s proposed tariff page requiring that all backflow prevention devices be inspected on an annual basis shall be suspended pending further investigation. It is further

ORDERED that this docket shall remain open pending our final action on the Utility's requested tariff filing that all backflow prevention devices be inspected on an annual basis.

By ORDER of the Florida Public Service Commission this 3rd day of December, 2008.



ANN COLE
Commission Clerk

(S E A L)

JEH

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.