

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in  
Brevard County by Aquarina Utilities, Inc.

DOCKET NO. 20150010-WS  
ORDER NO. PSC-2018-0218-FOF-WS  
ISSUED: April 27, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

ORDER GRANTING EXTENSION OF TIME  
TO COMPLETE PHASE II PRO FORMA PLANT ITEMS

BY THE COMMISSION:

**Case Background**

Aquarina Utilities, Inc., (Aquarina or Utility) is a Class B utility providing service to approximately 296 water and 311 wastewater customers in Brevard County. Aquarina also provides non-potable water for irrigation to approximately 107 customers.

The Utility filed its application for a staff-assisted rate case on January 2, 2015. By Order No. PSC-16-0583-PAA-WS issued December 29, 2016, in this docket, the Florida Public Service Commission (Commission) approved a Phase I revenue requirement and rates. The Order further stated that implementation of Phase II rates is conditioned upon Aquarina completing certain pro forma plant items within 12 months of the issuance of a consummating order in this docket. The consummating order was issued on January 23, 2017. Therefore, the pro forma plant items were to be completed before January 23, 2018.

The pro forma plant items consisted of the wastewater treatment plant's catwalks, blowers, and sand filters; replacement of the water treatment plant's reverse osmosis skid; and developing a geographical information system mapping of the distribution and collection systems. By Order No. PSC-16-0583-PAA-WS, we required that if Aquarina encountered any unforeseen events that would impede the completion of the pro forma plant items, it must immediately notify this Commission in writing.

On November 9, 2017, the Utility notified us that it would not be able to meet the deadline for completing the Phase II pro forma plant items. The Utility asked that it be granted

an extension until March 1, 2018, to complete the Phase II pro forma plant items. By Order No. PSC-2017-0485-FOF-WS<sup>1</sup>, we granted the Utility's request.

On February 5, 2018, the Utility informed our staff that it could not meet the March 1, 2018, extended due date and requested that it be granted an extension until November 30, 2018, to complete the Phase II pro forma plant items. We have jurisdiction pursuant to Sections 367.081, 367.0814, and 367.121, Florida Statutes.

### **Review and Decision**

As discussed in the case background, Aquarina was granted an extension until March 1, 2018, to complete Phase II pro forma plant items. On February 5, 2018, Aquarina informed us that it would not be able to complete the replacement of the water treatment plant's reverse osmosis skid by March 1, 2018, because: (1) its assigned sales representative resigned, (2) there were discrepancies in the sales contract which necessitated a full review, and (3) the terms of the financing changed. Based on the foregoing, the Utility requested that the due date be extended to November 30, 2018. The Utility is required to submit a copy of the final invoices and cancelled checks for the Phase II pro forma plant items. Upon review we shall grant the Utility's requested extension because the actions resulting in the delay were outside of the Utility's control. However, the Utility shall be required to provide this Commission with a status report on all outstanding pro forma items by July 19, 2018.

Once the projects are completed, and documentation is provided, our staff will verify that the pro forma improvements have been made.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Aquarina Utilities, Inc.'s request for an extension of time to complete its required Phase II pro forma plant items by November 30, 2018 is hereby granted. It is further

ORDERED that Aquarina Utilities, Inc. shall provide this Commission with a status update on all outstanding pro forma items by July 19, 2018. It is further

ORDERED that this docket shall remain open for our decision on the appropriate Phase II revenue requirement and rates.

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<sup>1</sup>This Order was amended to correct a scrivener's error by adding the names of the Commissioners who participated in the decision. The Order was reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission this 27th day of April, 2018.



CARLOTTA S. STAUFFER  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.