

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate increase ) DOCKET NO. 900329-WS  
 in Citrus, Martin, Marion, and Charlotte/ )  
 Lee Counties by SOUTHERN STATES UTILITIES, ) ORDER NO. 23422  
 INC.; in Collier County By MARCO ISLAND )  
 UTILITIES (DELTONA) and MARCO SHORES ) ISSUED: 8-30-90  
 UTILITIES (DELTONA); in Marion County by )  
 MARION OAKS UTILITIES (UNITED FLORIDA); )  
 and in Washington County by SUNNY HILLS )  
 UTILITIES (UNITED FLORIDA) )

ORDER GRANTING MOTIONS TO DEFER SERVICE HEARINGS

On July 13, 1990, Southern States Utilities, Inc., Deltona Utilities, Inc., and United Florida Utilities Corporation (Applicants) filed an application for increased rates in Charlotte/Lee, Citrus, Collier, Marion, Martin, and Washington Counties. Their application did not satisfy the minimum filing requirements (MFRs) and, by letter dated August 1, 1990, the Staff of this Commission (Staff) notified Applicants of the deficiencies and suggested that they file corrected MFRs within forty-five days.

Also on or about August 1, 1990, this Commission established a preliminary schedule for service hearings in this proceeding. Originally, the first two service hearings were scheduled to be held on September 27, 1990. However, the service hearings were subsequently rescheduled, with the first two to be held on September 6 and 19, 1990.

On August 16, 1990, the Applicants filed an emergency motion to defer service hearings and the implementation of notice and public information requirements until they have completed their MFRs and an official date of filing has been established. In their motion, Applicants pointed out that there are certain notice and public information requirements which are triggered by the official date of filing and which are specifically tied to the service hearing dates. In addition, Applicants argued they are currently devoting their energies toward correcting their MFRs and preparing their testimony, and that they will not have time to devote to the various notice and public information requirements, much less a service hearing, until they have filed their corrected MFRs.

On August 22, 1990, the Office of Public Counsel (OPC) filed a similar motion. Although OPC's motion only

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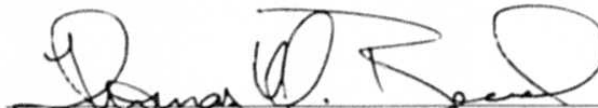
specifically addressed the service hearing scheduled for September 6, 1990, the body of its motion indicated that OPC does not believe that it would be appropriate to hold any service hearings without adequate prior notice and public information. OPC argues that to do so would deprive it of the opportunity to fashion an adequate response to the Applicant's filing.

As discussed above, we do not expect Applicants to file their corrected MFRs until at least September 14, 1990. Due to Staff review time, it is unlikely that the corrected MFRs will be approved prior to September 19, 1990, much less September 6, 1990. Further, due to the size of this filing, it is quite possible that the revised MFRs will contain deficiencies which may result in an additional delay of the official filing date. Since Rule 25-22.0406, Florida Administrative Code, contains very specific notice and public information requirements which are triggered by the official filing date, and which are required to be completed prior to the first service hearing, with the approval of the Chairman of this Commission, the motions to defer the September 6 and 19, 1990 service hearings until an official date of filing has been established are hereby granted.

It is , therefore,

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the motions to defer service hearings filed by Southern States Utilities, Inc., Deltona Utilities, Inc. and United Florida Utilities Corporation, and the Office of Public Counsel, are hereby granted.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 30th day of August, 1990.

  
THOMAS M. BEARD, Commissioner  
and Prehearing Officer

( S E A L )

RJP

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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 sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, 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.