

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited)	DOCKET NO. 901000-WU
proceeding increase in water rates)	ORDER NO. 24103
in Pasco County by JASMINE LAKES)	ISSUED: 2/14/91
UTILITIES CORPORATION)	

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD, Chairman
- BETTY EASLEY
- FRANK S. MESSERSMITH
- MICHAEL MCK. WILSON

ORDER SUSPENDING PROPOSED RATES

BY THE COMMISSION:

BACKGROUND

Jasmine Lakes Utilities Corporation (Jasmine Lakes or utility) is a class B utility providing water and wastewater services to approximately 1,500 residential customers and 69 commercial customers in Pasco County. The utility reported 1989 gross annual revenues of \$348,953 and an operating income of \$1,786 for the water system. It reported 1989 gross annual revenues of \$116,940 and an operating loss of \$22,553 for the wastewater system.

During its first thirty (30) years of existence, the utility operated under the name Jasmine Lakes Services, Inc. In 1990 the assets of the utility were transferred to Jasmine Lake Utilities Corporation. The transfer of certificates was approved by Order No. 23728, issued November 7, 1990. The utility's rates were last adjusted by Order No. 17531, issued May 5, 1987, as a result of the application of the 1986 price index. The utility's last full rate case resulted in Order No. 9484, issued August 5, 1980.

On December 20, 1990, Jasmine Lakes filed an application for a limited proceeding water rate increase based upon an increase in the bulk water rates it pays to Pasco County. The increase became effective in April 1989 under the previous ownership. The prior owner failed to pass this increased cost through to its customers. Therefore, under the provisions of Section 367.081(4)(b), Florida Statutes, the utility is now barred from recognizing this increased cost through the pass-through mechanism because the increase was initiated more than 12 months before this filing. Since the operational cost increase has a substantial effect on the utility's ability to recover its expenses and earn a fair rate of return on its investment, the utility filed an application for a limited proceeding pursuant to Section 367.0822, Florida Statutes.

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Section 367.081(6), Florida Statutes, provides that the rate schedules proposed by a utility shall become effective within sixty (60) days after filing unless the Commission issues an order withholding consent to the operation of the proposed rates. Further, this statute permits the proposed rates to go into effect, under bond, eight (8) months after filing unless final action has been taken by the Commission.

SUSPENSION

We have reviewed the filing and found that the utility has failed to file all of the data necessary to determine the appropriateness of the proposed rates. Although the utility purchases a portion of its water from Pasco County, it also pumps water from its own wells. The utility did not provide information concerning the amount of water that it purchases from Pasco County and the amount that it pumps from its own wells. An analysis of this information is necessary to determine the appropriateness of the proposed rates. Accordingly, we find that it is necessary to require additional data from the utility.

In consideration of the above, we find it appropriate to suspend the proposed rate schedules.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed rate schedules filed by Jasmine Lakes Utilities Corporation are hereby suspended.

By ORDER of the Florida Public Service Commission this 14th day of FEBRUARY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.