

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a Rate) DOCKET NO. 920200-WS
Increase in Osceola and Polk) ORDER NO. PSC-93-0203-FOF-WS
Counties by POINCIANA) ISSUED: 02/09/93
UTILITIES, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER ACKNOWLEDGING WITHDRAWAL OF RATE APPLICATION
AND REQUIRING THE REFUND OF INTERIM RATES

BY THE COMMISSION:

BACKGROUND

Poinciana Utilities, Inc. (Poinciana or Utility) is a class A utility providing water and wastewater service to approximately 3,670 water and 3,572 wastewater customers in Poinciana, Florida. The utility is located in the South Florida Water Management District, which has been designated as a critical use area for water. As of December 31, 1991, the water and wastewater systems had approximately 4,144 and 3,741 Equivalent Residential Connections (ERCs), respectively. For the twelve months ending December 31, 1991, the utility recorded operating income of \$100,443 for water and \$210,746 for wastewater.

On July 1, 1992, the utility filed the instant application for approval of interim and permanent rate increases pursuant to Sections 367.081(2)(3) and 367.082, Florida Statutes. However, the minimum filing requirements (MFRs) were deficient. On July 21, 1992, the utility submitted the required information, and that date was established as the official filing date. The utility's water and wastewater rates were last increased by an index and pass-through request effective July 29, 1991.

Poinciana requested final rates designed to generate annual revenues of \$854,884 for water and \$1,679,910 for wastewater. This represents a total increase of \$148,204 (20.97%) for water and

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\$501,149 (42.51%) for wastewater. These requested final rates are sufficient to recover a 10.60% rate of return for water and wastewater.

Poinciana also requested interim rates designed to generate annual revenues of \$854,572 for water and \$1,671,051 for wastewater. This represents a total increase of \$147,829 (20.93%) for water and \$492,290 (41.76%) for wastewater.

In Order No. PSC-92-1224-FOF-WS, issued October 28, 1992, we granted the utility an interim increase of \$69,659 (8.44%) for water and \$38,210 (3.24%) for wastewater, which resulted in an annual revenue requirement of \$766,332 for water and \$1,216,971 for wastewater.

A customer meeting was held on October 8, 1992, in the utility's service area. Approximately 40 people attended the meeting and 11 customers testified.

On January 8, 1993, the utility filed a Notice of Withdrawal of its Rate Application. Because we find no overearnings, we hereby acknowledge the utility's request to withdraw this rate proceeding. Poinciana shall refund all rates collected pursuant to its interim rate relief in accordance with Rule 25-30.360, Florida Administrative Code. The utility shall also file revised tariff sheets. This docket may be closed upon our staff's verification that the utility has completed the required refund and upon its filing of and our approval of revised tariff sheets.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the Notice of Withdrawal of Poinciana's Utilities Inc.'s Rate Application is hereby acknowledged. It is further

ORDERED that Poinciana Utilities, Inc. shall refund all water and wastewater interim rates in accordance with Rule 25-30.360, Florida Administrative Code. It is further

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ORDERED that this docket be closed upon our staff's verification that the utility has completed the required refund and upon its filing of and our approval of revised tariff sheets.

By ORDER of the Florida Public Service Commission this 9th day of February, 1993.



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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.