BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Approval) DOCKET NO. 930171-WS of Service Availability Policy) ORDER NO. PSC-93-1732-FOF-WS and Modification of Service Availability Charges in Martin County by INDIANTOWN COMPANY, INC.

) ISSUED: 12-01-93

The following Commissioners participated in the disposition of this matter:

> J. TERRY DEASON, Chairman SUSAN F. CLARK JULIA L. JOHNSON LUIS J. LAUREDO

ORDER DENYING TARIFF MODIFYING SERVICE AVAILABILITY POLICY CHARGES

BY THE COMMISSION:

gen of plant

Background

Indiantown Company, Inc. (Indiantown or utility) is a class B utility providing service to approximately 1,560 water and 1,474 wastewater customers in Martin County, Florida. Martin County is located within the South Florida Water Management District, which has designated its entire district as a critical use area. In 1992, the water system had actual operating revenues of \$423,971 and a net operating income of \$40,011. The wastewater system had actual operating revenues of \$457,111 and a net operating income of \$39,985.

On September 9, 1975, Martin County passed a resolution transferring jurisdiction of its water and wastewater facilities to this Commission. Indiantown's existing service availability policy and charges became effective when the utility was granted original certificates in Docket No. 750706-WS by Order No. 7133, issued March 2, 1976. On September 23, 1980, Martin County passed a second resolution transferring jurisdiction of its water and wastewater facilities to this Commission. The Commission granted Indiantown original certificates again in Docket No. 810037-WS by Order No. 11891, issued April 27, 1983, and authorized the utility to continue collecting its existing service availability charges. The service availability charges have not been changed since that time.

> DOCUMENT WAS TER-DATE 12824 DEC-18 FPSC-RECORDS, REPORTING

By Order No. PSC-92-0116-FOF-WS, issued March 30, 1992, this Commission ordered Indiantown to file an application for review of service availability charges by December 31, 1992. We believed a review was needed since we had previously granted Indiantown a territory expansion, which necessitated substantial plant additions. By Order No. PSC-92-1282-FOF-WS, issued November 10, 1992, we granted Indiantown's request to extend the due date for its service availability filing to April 30, 1993.

On February 19, 1993, Indiantown filed the application to modify its water and wastewater service availability policy and charges. The application included the appropriate filing fee of \$1,800 as required by Rule 25-30.020(2)(b), Florida Administrative Code. The utility initially requested approval of a water plant capacity charge of \$237, water main extension charge of \$1,711, and wastewater main extension charge of \$679. Additionally, the utility proposed a revised service availability policy. The application included revised tariff sheets specifying the new policy and charges.

The application did not meet the minimum filing requirements of Rule 25-30.565, Florida Administrative Code. The utility provided additional information to correct the deficiencies, and May 19, 1993 was established as the official filing date. The Commission further determined that the utility's application required additional examination, and therefore, voted to suspend the proposed service availability charges pending further review. The proposed charges were suspended by Order No. PSC-93-0622-FOF-WS, issued April 21, 1993.

In the process of correcting the deficiencies, the utility determined that it was necessary to revise the water charges proposed in the initial application. The revised charges are a water plant capacity charge of \$262 and a water main extension charge of \$1,578. On October 7, 1993, the utility filed a revised tariff reflecting these changes.

Indiantown's proposed tariffs contain significant changes in policies and fees. We have carefully reviewed each proposal and made a ruling on each one as set forth below. Because we have denied a portion of the tariff, the entire tariff shall be denied. However, the utility will be granted leave to file an amended tariff which is consistent with this Order.

Service Availability Policy and Charges

Indiantown has proposed new service availability charges, eliminated some of the existing charges, and revised the language of the service availability policy. The utility's present, requested, and our approved charges are shown on Schedule No. 1, which is attached to this Order.

The utility's existing service availability policy consists of two pages which primarily address the utility's policy regarding the extension of lines and mains. The policy states that where the construction of lines is necessary, the lines shall be constructed in accordance with the utility's specifications and shall be subject to inspection by the utility. Also, when construction of additional mains is necessary, the applicant shall bear the cost of the construction.

Indiantown's proposed service availability policy is significantly more detailed than the existing policy. The new policy maintains the utility's current policy for line and main extensions, but provides a more detailed explanation of the various components of the policy.

The utility is currently authorized to collect meter installation charges, tap-in charges, system capacity charges, and inspection fees. These charges are shown in the first column of Schedule No. 1. The utility did not request a change in the meter installation charges in this application. Nor did it propose tap-in or system capacity charges. The system capacity charges would be replaced by the proposed plant capacity and main extension charges. The utility did propose an adjustment to the current inspection fee.

The utility currently collects a system capacity charge of \$300 per equivalent residential connection (ERC) for water and \$300 per ERC for wastewater, for a combined total of \$600. The utility has requested approval of a water plant capacity charge of \$262, water main extension charge of \$1,578, and wastewater main extension charge of \$679, for a combined total of \$2,519. This represents increases of 613% for water, 126% for wastewater, and 320% for water and wastewater combined.

The utility's current treatment plant capacity is 2,667 ERCs for water and 2,000 ERCs for wastewater. The capacity of the water transmission/distribution system is 3,517 ERCs. The capacity of

the wastewater collection system is 3,636 ERCs. As a result of the territory expansion, the utility is planning to increase the water treatment plant and transmission/distribution system by \$3,290,200. The planned increase to the wastewater treatment plant and collection system is \$2,061,400. These additions will increase the utility's capacity to 2,888 ERCs for water and 4,000 ERCs for wastewater. Based upon an expected growth rate of 97 ERCs per year, the water system will reach build-out in approximately 10 years. The wastewater system will be built-out in 23 years.

Additionally, the utility is planning to make several plant and line additions for the purpose of improving quality of service rather than increasing capacity. These additions equal \$1,775,000 for water and \$430,000 for wastewater. These additions are not recoverable through service availability charges, and the utility has properly excluded them from their service availability charge calculations.

Rule 25-30.580, Florida Administrative Code, establishes the guidelines for service availability policies. Subsection (1) (a) of the rule states that the maximum amount of contributions-in-aid-of-construction, net of amortization, should not exceed 75% of the total original cost, net of accumulated depreciation, of the utility's facilities and plant when the facilities and plant are at the designed capacity. Subsection (1) (b) states that the minimum amount of contributions-in-aid-of-construction should not be less than the percentage of such facilities and plant that is represented by the water transmission and distribution and wastewater collection systems.

As of December 31, 1992, Indiantown's contributions-in-aid-of-construction (CIAC) level was 58.12% for water and 48.46% for wastewater. The minimum contribution level required by Rule 25-30.580(1)(b), Florida Administrative Code, based on the utility's investment in water transmission and distribution facilities was approximately 4.96% for the water system. The minimum required contribution level based on the utility's investment in collection facilities was 19.82% for the wastewater system.

Ideally, service availability charges should be calculated based upon design capacity at build-out. As discussed earlier, the wastewater system is not expected to be built-out for approximately 23 years. In order to calculate the service availability charges, a number of assumptions must be made regarding the expected customer growth rate, types of equipment additions needed, and the

cost of those additions. Due to the length of time before this system reaches build-out and the number of assumptions that must be made, it is not practical to set service availability charges based upon design capacity at complete build-out in this case. We find that it would be more appropriate to use a shorter time period, such as 10 years. Therefore, for the purposes of this Order, the wastewater plant, lines, and ERCs have been adjusted to represent the capacity that can be realistically achieved in the next 10 years.

Based upon the utility's capacity in 10 years, the required minimum contribution level will be approximately 40.93% for water and 50.00% for wastewater. If the utility maintains its present charges, the contribution levels at that point in time will be 19.22% for water and 31.36% for wastewater. The utility is currently within the guidelines required by Rule 25-30.580(1), Florida Administrative Code; however, it will fall below the required minimum if it maintains its current charges.

The utility's proposed policy is consistent with the service availability provisions set forth in Part IV of Chapter 25-30, Florida Administrative Code, as well as other service availability policies previously approved by this Commission. The policy contains sufficient detail to inform prospective customers of activities and charges for which they will be responsible. It is also beneficial for the customers to provide the additional detail contained in the utility's revised policy.

The utility's requested plant capacity and main extension charges were designed to achieve the 75% maximum contribution level specified in Rule 25-30.580(1)(a), Florida Administrative Code. Therefore, we find that the utility's requested water plant capacity, water main extension, and wastewater main extension charges are appropriate, as they will be sufficient to achieve the 75% maximum contribution level.

Indiantown currently collects an inspection fee of \$50 per visit for the inspection of lines that are not constructed by utility personnel. The utility has requested approval to charge the actual cost for the inspection. Additionally, the utility has requested approval for a plan review charge that would apply when the utility reviews the design plans for lines that will not be constructed by utility personnel. The inspection fee and plan review charge are cost recovery items which do not affect the contribution level. The collection of the actual cost for these

services is consistent with current Commission practice. Therefore, the utility's requested inspection fee and plan review charge are also appropriate.

Although we have found that the requested service availability policy and charges discussed herein are appropriate, a portion of the utility's proposed tariffs filed on February 19, 1993 and October 7, 1993 has been denied elsewhere in this order. Because we have found a portion of the proposed tariff to be inappropriate, the entire tariff must be denied. Additionally, the utility's existing service availability charges are shown in two sections of the tariff. The customer deposit amounts are included on those pages. The utility should provide additional revised tariff sheets to eliminate all discontinued service availability charges, but maintain the current customer deposits.

If the utility files revised tariff sheets within thirty days of the issuance of this Order, our staff shall have administrative authority to approve the revised tariff sheets upon verification that the tariffs are consistent with the Commission's decision herein. If revised tariff sheets are filed and approved, the new policy and charges shall become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

Guaranteed Revenue Charges

Guaranteed revenues are amounts paid by developers or others to reserve a portion of the utility's capacity for future connections. The calculation is mechanical in nature and similar to that for an Allowance for Funds Prudently Invested (AFPI) charge. Guaranteed revenues are collected after service availability charges and AFPI have been paid, but before actual connection to the system is made.

In its application, the utility requested guaranteed revenues of 50% of the monthly base facility charge. The base facility charge is \$7.54 for water and \$12.50 for wastewater. Therefore, the utility's requested charge is \$3.77 for water and \$6.25 for wastewater.

The estimated number of ERCs used in our calculation was determined by the capacities of plant and lines. The ERCs for the plant and the ERCs for the lines reflect different capacities for each of the systems. The water transmission and distribution

capacity currently exceeds the water treatment plant capacity. Therefore, it was necessary to impute additional water treatment plant so that each portion of the distribution system has the same capacity. The additional lines were calculated by dividing the total water treatment plant by the total treatment plant ERCs and then multiplying the product by the additional ERCs needed to equalize capacities.

The wastewater treatment plant capacity currently exceeds that of the effluent and disposal system. Therefore, it was necessary to impute additional wastewater effluent and disposal plant so that each portion of wastewater system has the same capacity. The additional plant was calculated by dividing total gross effluent and disposal plant by the related ERCs and then multiplying the product by the additional ERCs needed to equalize capacities. Amounts for depreciation expense and property taxes were also increased accordingly.

The gross plant amounts were then reduced by projected CIAC additions for 10 years into the future. The annual depreciation expense for the wastewater system and CIAC amortization were calculated using the rate of 2.5%, which is the utility's approved rate.

We then calculated the non-used and useful plant for the water system as \$1,407,871 and the CIAC on the future ERCs as \$1,794,000. As a result, the future collection of CIAC will be greater than the utility's investment in the water plant. Based on the above, the Guaranteed Revenue Charge for water must be denied.

The cost of equity, 16.35%, was approved in the utility's last rate case and established in Order No. 11891, issued April 27, 1983. Based on the above, the appropriate cost of equity should be 16.35%. In determining the overall rate of return, we used the utility's capital structure from its 1992 annual report. The other components of the utility's capital structure appear reasonable. Using the overall rate of return of 13.46%, the appropriate weighted cost of equity is 11.39%.

In calculating the Guaranteed Revenue Charge for the wastewater system, we determined that the Guaranteed Revenue Charge would be \$9.91. Since this is higher than the charge requested, the utility's requested charge of \$6.25 is approved. The calculated Guaranteed Revenue Charge for wastewater is shown on Schedule No. 2 which is attached to this Order.

Because we have rejected Indiantown's requested \$3.37 Guaranteed Revenue Charge for water, the tariffs filed on February 19, 1993 and October 7, 1993 have been denied as filed. However, Indiantown is authorized to collect the requested Guaranteed Revenue Charge of \$6.25 for wastewater, if the utility files revised tariff sheets consistent with this Order within thirty days of the effective date. Staff shall have administrative authority to approve the revised tariff sheets upon Staff's verification that the tariffs are correct and consistent with our decision herein. If the revised tariff sheets are filed and approved, the effective date of the new charges shall be for connections made on or after the stamped approval date on the revised tariff sheet, if no protest is filed.

This docket shall remain open for thirty days from the issuance of this Order to allow the utility time to file revised tariff sheets reflecting the Commission's decision.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Indiantown Company, Inc.'s proposed tariffs requesting approval of service availability policy and modification of service availability charges, as filed, are hereby denied. It is further

ORDERED that all matters contained in the body of this Order and in the schedules attached hereto are by reference incorporated herein. It is further

ORDERED that prior to the implementation of the charges approved herein, Indiantown Company, Inc., shall submit revised tariff sheets within 30 days of the issuance of this Order reflecting the decision herein. It is further

ORDERED that if revised tariff sheets are filed and approved, the new changes will become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that the revised tariff sheets shall be reviewed by our Staff and administratively approved if they comply with the findings of this Order. It is further

ORDERED that this docket shall remain open for 30 days from the issuance of this order to allow the utility time to file revised tariff sheets.

By ORDER of the Florida Public Service Commission, this <u>1st</u> day of <u>December</u>, <u>1993</u>.

STEVE TRIBBLE, Director Division of Records and Reporting

(SEAL)

LAJ

Chief, Bureau of Records

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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 22, 1993.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the date this Order becomes final, 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.

SCHEDULE NO. 1 Page 1 of 2

UTILITY: INDIANTOWN COMPANY, INC.

COUNTY: MARTIN

PROJECTED TEST YEAR ENDED: DECEMBER 31, 1992

SERVICE AVAILABILITY CHARGES

	Present Charges	Utility Requested Charges	Commission Approved Charges
Meter Installation Charges			
Meter Size (Per Connection):			
5/8" x 3/4"	\$100.00	•	•
3/4*	\$125.00	:	:
1*	\$150.00	:	
1-1/4*	\$175.00	:	
1-1/2*	\$250.00	:	
2*	\$375.00	:	(1
Over 2*	Actual Cost	•	
Tap-In Charge (Service Connection) Water			
Residential	\$ 35.00	N/A	N/A
General Service	\$ 35.00	N/A	N/A
Wastewater			
Residential	\$250.00	N/A	N/A
General Service	\$350.00	N/A	N/A
System Capacity Charges Water			
Residential, per connection	\$300.00	N/A	N/A
General Service, per connection	\$300.00	N/A	N/A
Wastewater			
Residential, per connection	\$300.00	N/A	N/A
General Service, per connection	\$300.00	N/A	N/A
Inspection Fee			
Water, per inspection	\$ 50.00	Actual Cost	Actual Cost
Wastewater, per inspection	\$ 50.00	Actual Cost	Actual Cost
Plan Review Charge Water	N/A	Actual Cost	Actual Cost
Wastewater	N/A	Actual Cost	Actual Cost

> SCHEDULE NO. 1 Page 2 of 2

UTILITY: INDIANTOWN COMPANY, INC.

COUNTY: MARTIN

PROJECTED TEST YEAR ENDED: DECEMBER 31, 1992

SERVICE AVAILABILITY CHARGES

	Present <u>Charges</u>	Utility Requested Charges	Commission Approved Charges
Plant Capacity Charges			
Water			
Residential, per ERC (300 GPD)	N/A	\$262.00	\$262.00
All others, per gallon	N/A	\$.87	\$.87
Wastewater			
Residential, per ERC (250 GPD)	N/A	N/A	N/A
All others, per gallon	N/A	N/A	N/A
Main Extension Charges	(*)		
Water			
Residential, per ERC (300 GPD)	N/A	\$1,578.00	\$1,578.00
All others, per gallon	N/A	\$ 5.26	\$ 5.26
Wastewater			
Residential, per ERC (250 GPD)	N/A	\$ 679.00	\$ 679.00
All others, per gallon	N/A	\$ 2.72	\$ 2.72

^{*} The Utility did not propose a change in these charges and the Commission did not approve any changes at this time.

> SCHEDULE NO. 2 Page 1 of 3

INDIANTOWN COMPANY, INC.
WASTEWATER TREATMENT & EFFLUENT DISPOSAL
TEST YEAR ENDED DECEMBER 31, 1992

SCHEDULE NO. 2 PAGE 1 OF 3 DOCKET NO. 930171-WS

Reserve Capacity Charge Calculation of Charge for Each ERC Information Needed

1.	Gross Plant - Non-Used & Useful Less: CIAC on Remaining ERCs Cost of Qualifying Assets	\$1,096,895 658,630 \$438,265
2.	Future ERCs	970
3.	Annual Depreciation Expense Less: CIAC Amortization Net Depreciation Expense	\$32,780 16,466 \$16,315
4.	Rate of Return	13.46%
5.	Weighted Cost of Equity	11.39%
6.	Federal Income Tax Rate	34.00%
7.	State Income Tax Rate	5.50%
8.	Annual Property Tax	\$1,144
9.	Other Costs	\$0
10.	Composite Depreciation Rate	2.50%

.

SCHEDULE NO. 2 Page 2 of 3

INDIANTOWN COMPANY, INC. WASTEWATER TREATMENT & EFFLUENT DISPOSAL TEST YEAR ENDED DECEMBER 31, 1992 SCHEDULE NO. 2 PAGE 2 OF 3 930171 -WS

Reserve Capacity Charge Calculation of Charge for Each ERC

Cost of Quailfying Assets:	\$438,265	Annual Depreciation Expense:	\$16,315 970
Divided By Future ERC:	910	Future ERC's:	
Cost/ERC:	\$451.82	Annual Depr. Cost per ERC:	\$17
Multiply By Rate of Return:	13.46%		
Annual Return Per ERC:	\$60.81	Annual Propery Tax Expense:	\$1,144
7 an iou i i o i o i o i	=========	Future ERC's:	970
Annual Reduction in Return:	\$2.26		\$1
(Annual Depreciation Expense per ERC Times Rate of Return)		Annual Prop. Tax per ERC:	========
Federal Tax Rate:	34.00%	Weighted Cost of Equity:	11.39%
Effective State Tax Rate:	3.63%	Divided by Rate of Return:	13.46%
Total Tax Rate:	37.63%	% of Equity in Return:	84.62%
Total Tax Nate.	=======================================		=======
Effective Tax on Return:	31.84%	Other Costs:	\$0
(Equity % Times Tax Rate)	========	Future ERC's:	970
Section SecTon	51.05%	Cost per ERC:	\$0
Provision For Tax: (Tax on Return/(1 – Total Tax Rate))	31.0376	Cost per Erro.	=======

> SCHEDULE NO. 2 Page 3 of 3

INDIANTOWN COMPANY, INC. WASTEWATER TREATMENT & EFFLUENT DISPOSAL TEST YEAR ENDED DECEMBER 31, 1992 SCHEDULE NO. 2 PAGE 3 OF 3 DOCKET NO. 930171-WS

Reserve Capacity Charge Calculation of Charge for Each ERC

C	alculation of orange		
		0.00	
	Unfunded Other Costs:	16.82	
	Unfunded Annual Depreciation:		
	Unfunded Property Tax:	1.18	
		18.00	
	Subtotal Unfunded Annual Expense:	0.00	
	Unfunded Expenses Prior Year:		
		18.00	
	Total Unfunded Expenses:	=======	
		2.42	
	Return on Expenses Current Year:	0.00	
	Return on Expenses Prior Year:	60.81	
	netern on - 1	0.00	
	Earnings Prior Year:	0.00	
	Compound Earnings from Prior Year:	0.00	
		63.24	
	Total Compounded Earnings:	1.51	
	Earnings Expansion Factor for Tax:	1.51	
		95.52	
	Revenue Required to Fund Earnings:		
	Revenue Required to Fund Expenses:	18.00	
	Heaeting tradema		
		113.52	
	Subtotal:	0.955	
	Subtotal: Divided by Factor for Gross Receipts Tax:	0.333	
		118.87	
	ERC Annual Reserve Capacity Charge		
	EUO VIII IOSI I ISSUE		
	5 EDC:	\$9.91	
	Monthly Reserve Capacity Charge Per ERC:	φο.στ	
	111W1.00.00 2		