

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application to modify service availability charges in Collier County by ORANGE TREE UTILITY COMPANY. ) DOCKET NO. 931216-WS ) ORDER NO. PSC-94-1175-FOF-WS ) ISSUED: September 26, 1994 ) ) )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER SUSPENDING REVISED AVAILABILITY CHARGES AND DENYING INITIAL FILING FOR SERVICE AVAILABILITY CHARGES

BY THE COMMISSION:

Orange Tree Utility Company (utility) is a Class C utility providing water and wastewater service for 141 water and 141 wastewater customers in Collier County. For the twelve months ending December 31, 1993 the utility recorded operating revenues of \$30,201 and \$33,767 for water and wastewater respectively. The utility reported a net operating loss of \$42,560 for water and \$8,553 for wastewater for this same period. The utility is in an area that has been designated as a critical water use area.

The utility's present service availability fees were established in Docket No. 861531-WS issued May 26, 1987. There have been no changes in the service availability charges since the initial fees were approved. The utility's present service availability plant capacity fees are \$320.00 per ERC for water, and \$200.00 per ERC for wastewater respectively. Its present meter installation fees are \$100.00 and \$130.00 for 5/8" x 3/4" and 1" meter connections respectively. Its current Tap-in fees are \$100.00 for Short Line and \$150.00 for Long Line.

On December 20, 1993, the utility filed its initial application for approval to modify its service availability charges. February 8, 1994, was established as the first official filing date. In Order No. PSC-94-0524-FOF-WS, issued May 2, we suspended the utility's initial filed tariff sheets.

DOCUMENT NUMBER-DATE

09852 SEP 26 1994

FPSC-RECORDS/REPORTING

On July 22, 1994, the utility filed a revision to its initial filing of December 20, 1993. The revised filing requests plant capacity fees of \$320.00 per ERC for water, and \$1,665.00 per ERC for wastewater. The utility has also requested approval of meter installation fees of \$187.01 and \$262.82, for 5/8 x 3/4 and 1" meter connections, respectively. Additionally, Orange Tree requested an increase to its present Tap-In fees in the amounts of \$270.27; \$320.27; 280.12; and \$330.12 for its 3/4" Meter-Short Line; 3/4" Meter-Long Line; 1" Meter-Short Line and 1" Meter-Long Line, respectively. Orange Tree stated that the purpose of the follow-up filing is to correct information provided by the utility's former consulting engineers. The corrections resulted in changes to the requested service availability charges and accordingly revised tariff sheets were filed.

Naples Orangetree Ltd. (Naples) has filed a formal complaint against the utility for failure to provide service to a its development (Docket No. 940056-WS). The owner of Naples, Amnon Golan, has intervened in this docket.

Section 367.091(5), Florida Statutes, states that the Commission may withhold consent to the operation of any or all portions of new rate schedules, by a vote to that effect within 60 days giving a reason or statement of good cause for withholding that consent. If the Commission does not withhold consent, the new rate schedules may be assumed in effect after 60 days.

Orange Tree's revised filing contains substantial increases as well as rate structure changes which will allow it to collect plant capacity fees on a final basis as well as increased meter installation fees and Tap-In fees. These charges are presented on proposed revised tariff sheets. The final proposal will merit additional discovery by our staff to verify the proposed charges are appropriate. Because the utility's revised filing will require substantial analysis, we find it appropriate to suspend Orange Tree's proposed service availability charges pending further investigation.

As noted herein, on December 20, 1993, Orange Tree filed its initial application for approval to modify its service availability charges, and in Order No. PSC-94-0524-FOF-WS, we suspended the utility's initial filed tariff sheets. Since the utility has now filed a modification, the initial tariff filing is no longer valid. Therefore, we find it appropriate to deny the initial tariff filing.

ORDER NO. PSC-94-1175-FOF-WS  
DOCKET NO. 931216-WS  
PAGE 3

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Orange Tree Utility Company's revised tariff filing containing proposed increases in service availability charges, filed on July 22, 1994, is hereby suspended. It is further

ORDERED that the initial tariff filing made by Orange Tree Utility Company on December 20, 1993, is hereby denied. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 24th day of September, 1994.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

MEO

ORDER NO. PSC-94-1175-FOF-WS  
DOCKET NO. 931216-WS  
PAGE 4

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.