

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Residents of ) DOCKET NO. 940229-SU  
Betmar Acres to be deleted from ) ORDER NO. PSC-95-0362-FOF-SU  
territory in Pasco County served ) ISSUED: March 14, 1995  
by BETMAR UTILITIES, INC. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING MOTION TO CONSOLIDATE

BY THE COMMISSION:

BACKGROUND

Betmar Utilities, Inc. (Betmar or utility) is a Class B water and wastewater utility in Pasco County. According to the 1993 annual report, the utility serves approximately 1,580 water and 980 wastewater customers. This docket was opened when residents of Betmar Acres filed a petition requesting that the Commission remove their properties from Betmar's service area. The residents requested a territory deletion when Betmar attempted to implement Section 381.00055, Florida Statutes. Section 381.00655, Florida Statutes, in part requires owners of onsite sewage treatment systems to connect with publicly owned or investor owned sewerage systems within one year of being notified by the publicly owned or investor owned system owner that the system is available for connection.

By Order No. PSC-94-1476-FOF-SU, issued December 1, 1994, the Commission dismissed the residents' petition. However, by that same Order, the Commission required Betmar to file a service availability case within 60 days of the effective date of the Order, or February 20, 1995.

On December 29, 1994, Betmar filed a Motion to Consolidate and Separate Motion to Toll Time. In its motion, Betmar requested that we consolidate the service availability case with Betmar's full rate case, currently docketed as Docket No. 941280-WS. Betmar also requested that the Commission toll the running of the 60-day period

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established by Order No. PSC-94-1476-FOF-SU until we dispose of the Motion to Consolidate.

MOTION TO CONSOLIDATE AND SEPARATE  
MOTION TO TOLL TIME

By Order No. PSC-94-1476-FOF-SU, we required Betmar to file a service availability case within 60 days of the effective date of the Order. Pursuant to the terms of the Order, the service availability case would have had to have been filed by February 20, 1995.

In Order No. PSC-94-1476-FOF-SU, we recognized that Betmar's current service availability policy allowed it to collect 110 percent of cost. Rule 25-30.580, Florida Administrative Code, requires that a utility's contribution in aid of construction (CIAC) ratio be no greater than 75 percent net CIAC to net plant at build out. Betmar no longer has a treatment plant and is now only a collection system. Therefore, we found that it is not reasonable to allow Betmar to continue to collect the 110 percent, and a new service availability policy was needed.

On December 29, 1994, Betmar filed a Motion to Consolidate and Separate Motion to Toll Time. In its motion, Betmar requested that we consolidate the service availability case with Betmar's full rate case, currently docketed as Docket No. 941280-WS. Betmar also requested that we toll the running of the 60-day period established by Order No. PSC-94-1476-FOF-SU until we dispose of the Motion to Consolidate.

In support of its motion, Betmar states that: 1) going forward with the preparation and processing of the service availability analysis and the revenue requirements would unnecessarily increase Betmar's costs and ultimately the costs to the ratepayers, and 2) consolidation would be more economical for Betmar and more efficient for the Commission.

We agree. The utility's request appears reasonable. If these two cases are processed simultaneously, but separately, it is likely that a duplication of efforts and staffing would occur. Further, by merging the two cases, the utility will encounter lower preparation and processing costs. Merging the cases will also make more efficient use of the Commission's time and resources. The benefits of consolidating these cases warrant the small delay in the filing of the service availability case. Therefore, we hereby grant Betmar's request to consolidate. Betmar should file its service availability case with the rate case filing in Docket No. 941280-WS. Since we are granting Betmar's request to

ORDER NO. PSC-95-0362-FOF-SU  
DOCKET NO. 940229-SU  
PAGE 3

consolidate, and Betmar has already docketed the rate case, the separate motion to toll time is moot.

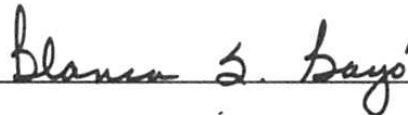
Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that Betmar Utilities, Inc.'s Motion to Consolidate is hereby granted. It is further

ORDERED that Betmar Utilities, Inc. shall file its service availability case, required by Order No. PSC-94-1476-FOF-SU, with the rate case filing in Docket No. 941280-WS. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 14th day of March, 1995.



BLANCA S. BAYÓ, 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 and/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 after the issuance of this order, 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.