

State of Florida

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



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 413-6199

Public Service Commission

November 16, 1995

Mr. Donald R. Odom
Chief Assistant County Attorney
601 East Kennedy Boulevard, 27th Floor
Post Office Box 1110
Tampa, Florida 33601

Re: Hillsborough County's Petition for Formal Administrative Hearing in Docket No. 950495-WS

Dear Mr. Odom:

Pursuant to your request, attached is the Commission's order which reflects the Commission vote at the Hernando County Service Hearing on October 13, 1995. It is my understanding that you will now withdraw your petition for Formal Administrative Hearing.

We appreciate your cooperation in this matter and if you need any further assistance, please give me a call at (904) 413-6234.

Sincerely,

Ralph R. Jaeger
Senior Attorney

- ICK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC _____
- WAS _____

Enclosure

cc: Division of Water and Wastewater (Hill, Willis)
Division of Records and Reporting

DOCUMENT NUMBER-DATE

11648 NOV 20 85

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1385-FOF-WS
availability charges by Southern) ISSUED: November 7, 1995
States Utilities, Inc. for)
Orange-Osceola Utilities, Inc.)
in Osceola County, and in)
Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St.)
Johns, St. Lucie, Volusia, and)
Washington Counties.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER MEMORIALIZING THE COMMISSION'S DECISION
THAT THE FACILITIES OF SOUTHERN STATES UTILITIES, INC.,
LOCATED IN THE COUNTIES OF HILLSBOROUGH, HERNANDO, AND POLK
ARE NOT SUBJECT TO A RATE INCREASE IN THIS RATE APPLICATION

BY THE COMMISSION:

BACKGROUND

Southern States Utilities, Inc. (SSU or utility) is a Class A utility, which provides water and wastewater service to facilities located in 25 counties. On June 28, 1995, SSU filed an application with the Commission requesting increased water and wastewater rates for 141 services areas, pursuant to Section 367.081, Florida Statutes, and for an increase in service availability charges, pursuant to Section 367.101, Florida Statutes. The utility also requested that the Commission approve an allowance for funds used during construction (AFUDC) and an allowance for funds prudently invested.

The intervention of the Office of the Public Counsel (OPC), was acknowledged by Order No. PSC-95-0901-PCO-WS, issued on July 26, 1995. The Sugarmill Woods Civic Association, Inc., the Spring Hill Civic Association, Inc., and the Marco Island Civic Association, Inc., have also intervened.

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The Commission recently reviewed the jurisdictional status of SSU's facilities throughout the state in Docket No. 930945-WS. In Order No. PSC-95-0894-FOF-WS, issued on July 21, 1995, the Commission determined that SSU's facilities and land constituted a single system and that the Commission had jurisdiction over all of SSU's facilities and land throughout the state pursuant to Section 367.171, Florida Statutes. That Order was appealed by Hernando, Hillsborough, and Polk Counties, and an automatic stay is in effect.

The utility's initial filing in this docket did not include SSU's facilities in Hernando, Hillsborough and Polk Counties, and our staff advised the utility that after a review of the information, the filing was incomplete and the minimum filing requirements (MFRs) were deficient. Our staff listed nine specific deficiencies concerning schedules and other filings, and also stated that, because of the Commission's decision in Docket No. 930945-WS, the application must be modified to include Hernando, Hillsborough, and Polk Counties.

SSU agreed to provide information to satisfy the nine specific deficiencies, but asserted that the MFRs did not require the information on Hernando, Hillsborough and Polk Counties. This matter was brought before the Commission at the August 1, 1995 Agenda Conference for resolution. We found that the utility's exclusion of Hernando, Hillsborough and Polk Counties constituted a deficiency in its filing. Our decision was memorialized by Order No. PSC-95-1043-FOF-WS, on August 21, 1995. On August 2, 1995, SSU filed the information on Hillsborough, Polk, and Hernando Counties.

On September 29, 1995, an Order Establishing Procedure, Order No. PSC-95-1208-PCO-WS, was issued, and among other things established the dates for the customer service hearings to be held in this proceeding. A service hearing for Hernando County was scheduled for October 13, 1995, and, after being duly noticed, was held on that date.

SERVICE HEARING

At the October 13, 1995, customer service hearing the Commission, after listening to the presentation of Hernando County Commissioner, Nancy Robinson, considered the effect of the automatic stay associated with the appeal of Order No. PSC-95-0894-FOF-WS. One Commissioner, while recognizing that Commission staff may still require information from Southern States Utilities, Inc., concerning the facilities in the counties of Hernando, Hillsborough, and Polk, made a motion for the Commission to acknowledge that the rates of those facilities would not be subject

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to change in this rate proceeding and that the three counties be removed from the style of this case. This motion was adopted by the four Commissioners present at the service hearing. Accordingly, we find that the counties of Hernando, Hillsborough, and Polk shall not be subject to a rate increase in this rate application.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the rates of the facilities of Southern States Utilities, Inc., located in the counties of Hernando, Hillsborough, and Polk are not subject to change in this rate proceeding. It is further

ORDERED that those counties shall no longer be listed in the style of this case. It is further

ORDERED that this docket shall remain open for the further processing of this case.

By ORDER of the Florida Public Service Commission, this 7th day of November, 1995.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

(S E A L)

RRJ

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 wastewater 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.