

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for staff- ) DOCKET NO. 950647-WS  
assisted rate case in Volusia ) ORDER NO. PSC-96-0115-FOF-WS  
County by Tymber Creek ) ISSUED: January 22, 1996  
Utilities. )  
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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 ACKNOWLEDGING WAIVER OF STATUTORY TIMEFRAME  
AND PLACING DOCKET IN MONITOR STATUS FOR FOUR MONTHS

BY THE COMMISSION:

Tymber Creek Utilities, Inc. (TCU or utility), is a Class C water and wastewater facility located in Ormond Beach, Volusia County, Florida. The utility provides water and wastewater service to approximately 374 customers, all of whom are residents of the Tymber Creek residential development.

TCU previously applied for a staff-assisted rate case in May, 1990. By Order No. 24206, issued March 7, 1991, in Docket No. 9000501-WS, which Order was corrected by Order No. 24931, issued August 19, 1991, the Commission granted the utility a wastewater rate increase. Since becoming certificated in the late 1970s, TCU has also received several price index rate adjustments.

On August 1, 1995, TCU requested the instant staff-assisted rate case, seeking an increase in its water rates. Pursuant to Section 367.0814(2), Florida Statutes, a staff-assisted rate case must be completed fifteen months after the official date of filing. By letter dated November 29, 1995, TCU requested waiver of this fifteen-month statutory timeframe for completing the instant rate case in order for this case to be held in abeyance until it is able to determine whether to enter into a purchased water agreement or system purchase agreement with the City of Ormond Beach (City).

Our staff has audited the utility's records for compliance with Commission rules and orders and has determined those components necessary for ratesetting. The engineering field audit

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has also been completed. However, because these reports are based on TCU's existing plant, they will have limited relevance for ratesetting purposes if TCU enters into a purchased water agreement or system purchase agreement with the City. Should TCU decide to either purchase water from or sell the system to the City, the utility's cost structure will change.

TCU and the City have advised us that their negotiations should be completed within four months. In consideration of these circumstances, we find it appropriate to acknowledge the utility's request for waiver of the fifteen-month statutory timeframe. This docket shall be placed in monitor status for a period of four months, commencing on January 3, 1996, and ending on May 3, 1996.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Tymber Creek Utilities' request to waive the fifteen-month statutory timeframe is hereby acknowledged. It is further

ORDERED that this docket shall be placed in monitor status for a period of four months, commencing on January 3, 1996, and ending on May 3, 1996.

By ORDER of the Florida Public Service Commission, this 22nd day of January, 1996.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Hagan  
Chief, Bureau of Records

( S E A L )

RGC

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.