

State of Florida

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

ORIGINAL
FILE COPY

Public Service Commission

January 27, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Matthew Feil, Esquire
Florida Water Services Corporation
1000 Color Place
Apopka, Florida 32703

Re: Docket No. 950495 -- Application for rate increase and change in service availability charges for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties by Southern States Utilities, Inc.

Dear Mr. Feil:

This letter is in response to your recent correspondence and discussion with Commission staff regarding the implementation of the Commission approved AFPI charges for Florida Water Services Corporation (Florida Water). Staff has approved the notice of AFPI charges by separate letter. Your specific inquiry concerns the appropriate AFPI charges between the time that the tariff was approved, January 1, 1997, and the date that the utility will begin charging its customers the new AFPI charge, which is sometime in mid-January, 1997.

According to Rule 25-30.475(2), Florida Administrative Code, non-recurring charges are effective for service or connections made after the effective date of the tariff, provided that the customers have received notice. Therefore, the new AFPI charges cannot be implemented before the notice date. While in other situations, a utility typically continues to charge the previously authorized charge until notice of the new charge is given, Florida Water's AFPI charges present a particular difficulty. By Order No. PSC-96-1320-FOF-WS (the Final Order) at page 257, the Commission cancelled all of Florida Water's prior tariff charges for AFPI as of January 1, 1997. Because the tariffs were specifically cancelled, it does not appear that the utility can collect an AFPI charge until the customers receive notice of the new charge.

The utility may have connected customers during that time. Because this notice prior to implementation is required by a rule, the utility may wish to consider requesting a waiver of the rule pursuant to the new provisions of the Florida Administrative Procedure Act. According to Section 120.542, Florida Statutes, an affected party may seek a variance and waiver of a rule, provided certain conditions are met.

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Please contact me at (904) 413-6199 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lila Jaber", with a long horizontal flourish extending to the right.

Lila Jaber
Bureau Chief

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