

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to service availability tariffs in Marion County by Sunshine Utilities of Central Florida, Inc.

DOCKET NO. 981456-WU
ORDER NO. PSC-99-0044-FOF-WU
ISSUED: January 5, 1999

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING TARIFF REQUEST TO
IMPLEMENT A JACK AND BORE CHARGE

BY THE COMMISSION:

Sunshine Utilities of Central Florida, Inc. (Sunshine or utility) is a Class B utility which provides water service to approximately 2,758 water customers. Wastewater service is provided by septic tanks. The utility's 1997 annual report shows an annual operating revenue of \$754,000 and net operating income of \$56,000.

On October 29, 1998, Sunshine filed a request for amendment of service availability tariffs, specifically tariff sheet numbers 28.0 and 28.1. Tariff Sheet number 28.0 applies to all systems except Whispering Sands and Lakeview Hills. Tariff Sheet number 28.1 applies to Whispering Sands and Lakeview Hills. The utility requested a jack and bore charge and a main extension charge at actual cost. By letters dated November 9, 1998 and November 18, 1998, the utility withdrew its initial revised tariff sheet numbers 28.0 and 28.1, respectfully, and filed revised tariffs requesting only a jack and bore charge at actual cost.

Pursuant to Section 367.101, Florida Statutes, the Commission shall set just and reasonable charges and conditions for service availability. Pursuant to Section 367.091(5), Florida Statutes, an application to establish, increase or charge service availability charges must be accompanied by a cost justification. The utility

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has requested that a jack and bore charge at actual cost be included as part of its service availability tariffs.

According to the utility, its lines are located on one side of certain roadways within its service territory and a connection for the provision of water service may be requested on the opposite side of the road. Therefore, when a connection on the opposite side of the road is requested, a jack and bore service is required to extend the line under the road. Sunshine has a letter of agreement with Bob Phillips, a trenching & boring contractor (license #0666675 - insured) for which Phillips charges \$5.00 a foot for a jack and bore of two-inch water lines. Thus far, the utility has borne the cost associated with this jack and bore service.

As cost justification, the utility has provided staff with invoices for six jack and bore services done. One of these jack and bore services was done by J.W.J., Inc. and the other five were done by Bob Phillips. The utility indicated that it uses Bob Phillips as its the primary contractor for these services. We note that Bob Phillips' jack and bore charge is similar to that charged by J.W.J., Inc. for two-inch water lines.

We have reviewed the filing and have considered the information filed in support of the utility's request. The customer served by the line requiring the jack and bore service described is the sole beneficiary of the service. The jack and bore costs shall not be the responsibility of the utility since this service does not benefit the general body of ratepayers. Therefore the cost-causer shall pay the additional cost incurred by the utility. This is consistent with previous Commission orders. See Order Nos. PSC-97-1620-FOF-WS, PSC-97-0130-FOF-SU, PSC-97-0833-FOF-WU, and PSC-96-1147-FOF-WS.

Since it is reasonable and necessary to allow the utility to recover these costs from the new connections requiring the service, we find it appropriate that the proposed tariffs to increase service availability charges in the form of a jack and bore charge for Sunshine Utilities of Central Florida, Inc. be approved as filed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed tariffs to increase service availability charges in the

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form of a jack and bore charge for Sunshine Utilities of Central Florida, Inc., are hereby approved as filed. It is further

ORDERED that the tariffs shall become effective in accordance with Rule 25-30.475(2), Florida Administrative Code. It is further

ORDERED that If a protest is filed within 21 days of the issuance of the Order, the tariffs shall remain in effect with any increase held subject to refund pending resolution of the protest. It is further

ORDERED that if no timely protest is filed, this docket should be closed.

By ORDER of the Florida Public Service Commission this 5th day of January, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: _____

Kay Flynn
Kay Flynn, Chief
Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 26, 1999.

In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the date this Order becomes final, 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.