

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate  
increase in Marion, Orange,  
Pasco, Pinellas, and Seminole  
Counties by Utilities, Inc. of  
Florida.

DOCKET NO. 020071-WS  
ORDER NO. PSC-03-0030-PCO-WS  
ISSUED: January 6, 2003

The following Commissioners participated in the disposition of  
this matter:

J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY

ORDER SUSPENDING RATES

BY THE COMMISSION:

Utilities, Inc. of Florida (UIF or utility) is a Class A  
utility providing water and wastewater service to systems in the  
following counties: Marion, Orange, Pasco, Pinellas, and Seminole.

By letter dated February 26, 2002, UIF requested test year  
approval in order to file an application for general rate relief  
for all of its systems. On June 28, 2002, the utility filed  
minimum filing requirements (MFRs) to justify its requested rate  
increase. By letter dated July 19, 2002, the utility was notified  
that the MFRs were deficient. In response to that deficiency  
letter, the utility submitted additional explanations, schedules  
and data on September 3, 2002. However, by letter dated September  
11, 2002, the utility was notified that the MFRs were still  
deficient. UIF corrected the remaining deficiencies on October 3,  
2002. Thus, the utility was notified that October 3, 2002, was  
established as the official date of filing for the utility's rate  
case.

DOCUMENT NUMBER-DATE

00109 JAN-63

FPSC-COMMISSION CLERK

ORDER NO. PSC-03-0030-PCO-WS  
DOCKET NO. 020071-WS  
PAGE 2

On October 31, 2002, UIF materially amended its MFR rate schedules, and as such, the official date of filing was reset to that date. After discussions with our staff concerning material billing errors in the MFRs, the utility agreed to extend the deadline for Commission action on UIF's interim and final rate requests. By letter dated December 4, 2002, UIF has waived for a period of 120 days, the 60-day deadline within which we must consider interim rates pursuant to Section 367.082, Florida Statutes. The utility also waived for a period of 120 days the 8-month deadline within which we must take final action on UIF's application as provided for in Section 367.081(6), Florida Statutes. Therefore, the deadline for considering interim rates is April 29, 2003, and the deadline for our action on final rates is October 28, 2003.

UIF's requested test year for final and interim purposes is the historical year ended December 31, 2001. The utility has requested that the rate case be scheduled directly for hearing, and it filed its direct testimony with its June 28, 2002, MFR filing. The Office of Public Counsel (OPC) served its Notice of Intervention in this docket and by Order No. PSC-02-1026-PCO-WS, issued July 29, 2002, OPC's intervention was acknowledged.

The sixty-day statutory deadline to suspend the utility's requested final rates is December 30, 2002. We have jurisdiction to consider this matter pursuant to Sections 367.081, and 367.082, Florida Statutes.

Section 367.081(6), Florida Statutes, provides that the rates proposed by the utility shall become effective within sixty days after filing unless we vote to withhold consent to implementation of the requested rates. Further, the above-referenced statute permits the proposed rates to go into effect, under bond, eight months after filing unless final action has been taken by the Commission.

We have reviewed the filing and have considered the proposed rates, the revenues thereby generated, and the information filed in support of the rate application. We find that it is reasonable and necessary to require further amplification and explanation regarding this data, and to require production of additional and/or corroborative data. This further examination will include on-site

ORDER NO. PSC-03-0030-FOF-WS  
DOCKET NO. 020071-WS  
PAGE 3

investigations by our staff accountants and engineers. Based on the foregoing, we find that it is appropriate to suspend the utility's proposed rate increase.

This docket shall remain open pending our final action on the utility's requested rate increase.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the rate increase proposed by Utilities, Inc. of Florida shall be suspended. It is further

ORDERED that this docket shall remain open pending our final action on Utilities, Inc. of Florida's requested rate increase.

By ORDER of the Florida Public Service Commission this 6th day of January, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

LAH

ORDER NO. PSC-03-0030-PCO-WS  
DOCKET NO. 020071-WS  
PAGE 4

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.

Any party adversely affected by this order, which is non-final in nature, may request (1) reconsideration within 15 days pursuant to 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Citizens of the State of Florida v. Mayo, 316 So.2d 262 (Fla. 1975), states that an order on interim rates is not final or reviewable until a final order is issued. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.