

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval  
of new rate for bulk wastewater  
service agreement with City of  
Cape Coral in Lee County, by  
North Fort Myers Utility, Inc.

DOCKET NO. 030517-SU  
ORDER NO. PSC-03-0961-PCO-SU  
ISSUED: August 25, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER SUSPENDING PROPOSED BULK WASTEWATER SERVICE AGREEMENT

BY THE COMMISSION:

North Fort Myers Utility, Inc. ("NFMU") is a Class A utility located in Lee County, Florida. NFMU has a water system at Pine Lakes and two wastewater systems, the Pine Lakes and North Fort Myers systems. According to its 2002 Annual Report, NFMU serves 1,845 water customers and 9,527 wastewater customers. NFMU reported annual revenues of \$3,414,966 and a net income of \$406,755 according to the same annual report.

On June 10, 2003, NFMU filed an application requesting approval of a new rate for a bulk wastewater service agreement between NFMU and the City of Cape Coral. We have jurisdiction pursuant to Chapter 367, Florida Statutes, including Sections 367.081, 367.091, and 367.121, Florida Statutes.

Pursuant to Section 367.091(6), Florida Statutes, this Commission may withhold consent to the operation of any or all portions of a new rate schedule by a vote to that effect within 60 days of filing, giving a reason or statement of good cause for withholding our consent. Upon review of NFMU's proposed service agreement, we find it reasonable and necessary to require further

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amplification and explanation of the proposed service agreement and to require production of corroborative information, if deemed necessary. We note that NFMU has indicated that the City of Cape Coral intends to utilize this service agreement, if approved, in about six months and does not need to implement this agreement at this time.

For the reasons set forth above, we suspend NFMU's proposed bulk wastewater service agreement. This docket shall remain open pending our final action on NFMU's application.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed bulk wastewater service agreement between North Fort Myers Utility, Inc., and the City of Cape Coral is hereby suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 25th Day of August, 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 )

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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.

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.

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 25-22.0376, 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. 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.