

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 040300-WS Date Docketed: 04/05/2004 Title: Application for staff-assisted rate case in Volusia County by Tymber Creek Utilities.

Company: Tymber Creek Utilities

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to:

("(") indicates OPR)

AUS	CAF	CCA	CMP	(ECR)	EXT	GCL	MMS	PIF
X				X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A1(b)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

Staff Counsel

OCRs

Current CASR revision level

Due Dates
Previous Current

1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			
31.			
32.			
33.			
34.			
35.			
36.			
37.			
38.			
39.			
40.			

Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with CCA: _____

Initials: OPR _____
Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
Date: _____

DOCUMENT NO.
12971-05

Section 1 - Bureau of Records and Hearings Service Completes

Docket No. 040300-SU Date Docketed: 04/05/2004 Title: Application for staff-assisted rate case in Volusia County by Tymber Creek Utilities.

Company: Tymber Creek Utilities

Official Filing Date: 06/03/2004 Expiration: 09/02/2004
 Last Day to Suspend: 08/01/2004

Referred to:

CCA	CMP	(ECR)	FLL	GCL	MMS	PIF	RCA	SCR
		X		X			X	

("O") indicates OPR

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A1(b)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	<u>S Merta, S Hudson</u>
	<u>M Massoudi, T Rendell</u>
	<u>M Willis</u>
Staff Counsel	<u>R Jaeger</u>
OCRs (RCA)	<u>D Vandiver, C Winston</u>

	Current CASR revision level	Due Dates	
		Previous	Current
0			
1.	Forms Requesting Assistance Filed	NONE	04/05/2004
2.	AUS Initial Review Report	NONE	04/26/2004
3.	*SARC Approval/Denial Letter	NONE	05/03/2004
4.	Committee Meets to Discuss	NONE	05/03/2004
5.	*AUS Audit Service Request	NONE	05/03/2004
6.	Company Pays Filing Fee (Official Filing Date)	NONE	06/02/2004
7.	Audit Report Due	NONE	07/02/2004
8.	Engineering Analysis Due to Analyst	NONE	07/09/2004
9.	Primry Staff Report to Eco.& Rates for Analys	NONE	07/30/2004
10.	Repression/Conservation Analysis to Staff	NONE	08/06/2004
11.	Engineering/Repression Cons. Issues to Analyst	NONE	08/13/2004
12.	Primry Staff Report to Supervisor	NONE	08/20/2004
13.	FAW Notice Filed	NONE	08/24/2004
14.	OPR Provides Legal with Customer Notice Data	NONE	08/27/2004
15.	Legal Sends Notice and Reports to Company	NONE	09/03/2004
16.	Customer Meeting	NONE	10/07/2004
17.	Staff Recommendation	NONE	11/18/2004
18.	Agenda	NONE	11/30/2004
19.	PAA Order	NONE	12/20/2004
20.	Protest Period Expires	NONE	01/10/2005
21.	Consummating Order if No Protest	NONE	01/13/2005
22.	Close Docket or Revise CASR	NONE	01/19/2005
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			
31.			
32.			
33.			
34.			
35.			
36.			
37.			
38.			
39.			
40.			

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel
 Hearing Examiner Staff

Date filed with CCA: 04/29/2004

Initials: OPR
 Staff Counsel

Section 3 - Chairman Completes

Assignments are as follows: **CSRA**

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BIB/RW

Date: 04/29/2004

Section 1 - Bureau of Records Complete

Docket No. 040300-SU Date Docketed: 04/05/2004 Title: Application for staff-assisted rate case in Volusia County by Tymber Creek Utilities.

Company: Tymber Creek Utilities

Official Filing Date: 06/03/2004

Expiration: 09/02/2005

Last Day to Suspend: 08/01/2004

Referred to:

CCA	CMP	(ECR)	FLL	GCL	MMS	PIF	RCA	SCR
		X		X			X	

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A1(b)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

T Biggins, S Hudson
M Massoudi, T Rendell
M Willis

Current CASR revision level

Due Dates

Previous Current

Staff Counsel

R Jaeger

OCRs (RCA)

D Vandiver, C Winston

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel
Hearing Staff

Date filed with CCA: 01/31/2005

Initials OPR

Staff Counsel

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BBB
Date: 01/31/2005

STATE OF FLORIDA

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



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ, DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

April 7, 2004

J. Stanley Shirah
Tymber Creek Utilities, Inc.
1951 West Granada Boulevard
Ormond Beach, Florida 32174

Re: Docket No. 040300-WS

Dear Mr. Shirah:

This will acknowledge receipt of an application for staff-assisted rate case in Volusia County by Tymber Creek Utilities, which was filed in this office on April 5, 2004, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Please note as well that the Commission's Statement of Agency Organization and Operations, requires certificated companies to notify the Commission of any changes in name, telephone, address, or contact person. Should your application be granted by the Commission, you will be expected to comply with this requirement by advising us of any changes as they occur.

Bureau of Records

I:\records\ackltr-application.doc

DOCUMENT NO.

12971-05

Kay Flynn

040300-SU

From: Denise Karnes

Sent: Friday, September 24, 2004 8:32 AM

To: Alina Dieguez; Allen Mortham; Beth Salak; Betty Ashby; Bev DeMello; Blanca Bayo; Bob Trapp; Braulio Baez; Bridget Hoyle; Carol Purvis; Cayce Hinton; Charles Davidson; Chuck Hill; Cindy Miller; Dan Hoppe; Della Fordham; Diane Lee; Dorothy Boone; Eileen Patrick; Hurd Reeves; J. Terry Deason; Jane Faurot; Janet Brunson; Janet Harrison; JoAnn Chase; Kathleen Stewart; Katrina Tew; Kay Flynn; Kay Posey; Kevin Bloom; Larry Harris; Lila Jaber; Manuel Arisso; Martha Golden; Mary Bane; Mary Macko; Norma Jenkins; Pat Dunbar; Patsy White; Richard Tudor; Rick Melson; Roberta Bass; Rudy Bradley; Sandy Moses; Sharon Allbritton; Steven Stolting; Susan Howard; Tarik Noriega; Tim Devlin; Veronica Washington

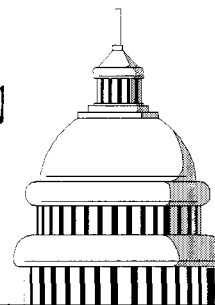
Subject: Application for a Staff-Assisted Rate Case in Volusia County by Tymber Creek Utilities

The attached bulletin was mailed to government officials in Volusia County yesterday, 9/23/04.

9/24/2004

SEPTEMBER 23, 2004

FLORIDA PUBLIC SERVICE COMMISSION
BULLETIN



PROVIDED TO GOVERNMENT OFFICIALS

Application for a Staff-Assisted Rate Case in Volusia County by

Tymber Creek Utilities

DOCKET NO. 040300-SU

Tymber Creek Utilities (Tymber Creek or utility) is a water and wastewater utility providing service to approximately 447 water and 415 wastewater customers in Volusia County. On April 5, 2004, Tymber Creek filed an application with the Florida Public Service Commission (PSC) for a staff-assisted rate case for its wastewater system only. The utility's service area is located near Ormond Beach, off of Interstate 95 and U.S. Highway 40.

The current rate case is being processed under the PSC's "Proposed Agency Action" (PAA) procedure. Under the PAA process, the case will not be set for a formal hearing unless a timely protest to the Commission's proposed agency action is filed.

As part of the process of evaluating Tymber Creek's request, the PSC staff has scheduled a customer meeting for October 7, 2004, to allow customers the opportunity to provide input into the rate setting process. Customer comments are an integral part of the process and will assist the Commissioners in reaching their decision. The utility's records will be audited by PSC staff for compliance with the applicable statutes, rules and orders. In addition, a PSC staff engineer will conduct a field

investigation of the utility's plant and service area. In accordance with Florida Statutes, the Commissioners will consider the utility's quality of service and other matters in this case.

According to PSC staff's preliminary analysis, average residential wastewater usage is 4,931 gallons. At present, the average monthly wastewater bill is \$29.13 for residential customers. The average monthly bill using staff's preliminary proposed rates will be \$34.71 (base facility charge plus gallonage charge). Information obtained at the customer meeting will be incorporated into staff's recommendation to the Commission.

PSC staff is scheduled to make a recommendation to the Commission on November 18, 2004. The Commissioners are expected to vote on this matter at the November 30, 2004, Agenda Conference.

Customer Meeting

Thursday, October 7, 2004

6:00 p.m.

Ormond Beach Performing Arts Center
399 North U.S. #1
Ormond Beach, Florida

CONSUMER ASSISTANCE

Application for a Staff-Assisted Rate Case in Volusia County by

Tymer Creek Utilities

DOCKET NO. 040300-SU

Any person who wishes to comment or provide information to the PSC staff may do so at the meeting, orally or in writing.

Written comments may be sent to:

**Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**

Your letter will be placed in the correspondence file of this docket (Docket No. 040300-SU).

You may also call the Commission's toll-free number at:

1-800-342-3552, or dial

1-800-511-0809 to fax.

Internet E-mail: contact@psc.state.fl.us

Internet Home Page: <http://www.floridapsc.com>

For more information, contact:

For technical questions:	Tracey Biggins	(850) 413-6844
	Shannon Hudson	(850) 413-7021
	Troy Rendell	(850) 413-6934
For legal questions:	Ralph Jaeger	(850) 413-6234

Kay Flynn

040300-WS

From: Pat Brady
Sent: Thursday, September 30, 2004 9:18 AM
To: Patti Daniel
Cc: Ralph Jaeger; Troy Rendell; Kay Flynn; Nonnye Grant; Shari Cornelius
Subject: RE: Name of Utility, Docket Title, and Master Commission Directory -- D. No. 040300-WS

Confirmed it was not a transfer. The owners changed from a partnership to a corporation in 1994, with resulting name change. Am awaiting a call from one of the owners, J. Stanley Shirah, so that I can explain the process to file for a name change/corporate reorg. I'll try calling again and then follow up with a letter. (Have been cutting folks a little slack lately due to four hurricanes.) Normally, we can approve a name change/corporate reorg administratively. However, since this occurred without Commission approval, am assuming we will have to raise a possible show cause issue.

From: Patti Daniel
Sent: Wednesday, September 29, 2004 10:29 AM
To: Ralph Jaeger; Troy Rendell
Cc: Pat Brady
Subject: RE: Name of Utility, Docket Title, and Master Commission Directory -- D. No. 040300-WS

Yes, Pat Brady is looking into it. She's out today.

From: Ralph Jaeger
Sent: Wednesday, September 29, 2004 10:25 AM
To: Patti Daniel; Troy Rendell
Subject: FW: Name of Utility, Docket Title, and Master Commission Directory -- D. No. 040300-WS

The last I saw on this Patti was looking for a volunteer -- in Docket No. 030453-WU, they corrected it by administrative order -- but that was apparently based on a mistake -- Patti, what do you think and did you ever get your volunteer?

From: Kay Flynn
Sent: Thursday, August 26, 2004 4:48 PM
To: Ralph Jaeger
Cc: Nonnye Grant
Subject: RE: Name of Utility, Docket Title, and Master Commission Directory -- D. No. 040300-WS

Ralph, we had a situation last year that may have been similar to this one, in Docket 030453-WU, for Countywide Utility....in that instance we corrected the company's name, and the correction did include adding "Inc." to the name. Please take a look at that docket and see if a similar action might be appropriate for Tymber Creek.

Have you heard from ECR?

Kay

From: Ralph Jaeger
Sent: Thursday, August 26, 2004 2:45 PM
To: Kay Flynn; Patti Daniel; Troy Rendell
Cc: Shari Cornelius
Subject: Name of Utility, Docket Title, and Master Commission Directory -- D. No. 040300-WS

Because of Shari's industrious work, I have become aware of a slight problem we may have. In 1978, by Order No 8242 the Commission issued certificates to Tymber Creek Utilities, a partnership with J. Stanley, Steve, and Ronald Shirah as partners.

9/30/2004

These certificates still seem to be on file. However, this year, we received an application for a SARC from Tymber Creek Utilities, Inc. -- a corporation. In a DER action, DER referred to Tymber Creek Utilities, Inc., as far back as 1985. It is my understanding that Tymber Creek Utilities is a corporation -- SARC says sub s with J. Stanley and Steve each with 50% ownership --and properly has an "Inc." at the end. However, both the master commission directory and D. No. 040300-WS only refer to Tymber Creek Utilities which is who the certificate is granted to. It looks like we have had some sort of transfer years ago without the Commission ever approving the transfer -- or, at least, we do have a problem with who or what is the utility. What do we need to do from here?

Kay Flynn

040300-SU

From: Denise Karnes
Sent: Tuesday, October 05, 2004 9:51 AM
To: Alina Dieguez; Allen Mortham; Beth Salak; Betty Ashby; Bev DeMello; Blanca Bayo; Bob Trapp; Braulio Baez; Bridget Hoyle; Carol Purvis; Cayce Hinton; Charles Davidson; Chuck Hill; Cindy Miller; Dan Hoppe; Della Fordham; Diane Lee; Dorothy Boone; Eileen Patrick; Hurd Reeves; J. Terry Deason; Jane Faurot; Janet Brunson; Janet Harrison; JoAnn Chase; Kathleen Stewart; Katrina Tew; Kay Flynn; Kay Posey; Kevin Bloom; Larry Harris; Lila Jaber; Manuel Arisso; Martha Golden; Mary Bane; Mary Macko; Norma Jenkins; Pat Dunbar; Patsy White; Richard Tudor; Rick Melson; Roberta Bass; Rudy Bradley; Sandy Moses; Sharon Allbritton; Steven Stolting; Susan Howard; Tarik Noriega; Tim Devlin; Veronica Washington
Subject: Customer Meeting Scheduled To Discuss Application For a Rate Increase by Tymber Creek Utilities

A news release has been sent to media in and around Volusia County, and is now available on the PSC web site:
<http://www.psc.state.fl.us/general/news/pressrelease.cfm?release=-2147483335>



State of Florida
Public Service Commission
NEWS RELEASE

October 5, 2004

Contact: 850-413-6482

Customer Meeting Scheduled To Discuss Application For A Rate Increase In Volusia County By Tymber Creek Utilities

TALLAHASSEE — The staff of the Florida Public Service Commission (PSC or Commission) will conduct a customer meeting Thursday, October 7, 2004, to accept comments from consumers and other interested parties about a proposed rate increase submitted by Tymber Creek Utilities. In addition, this meeting will provide those in attendance with an opportunity to comment about service quality issues and other matters related to Tymber Creek.

Tymber Creek is a water and wastewater utility providing service to approximately 447 water and 415 wastewater customers in Volusia County. The utility's service area is located near Ormond Beach, off Interstate 95 and U.S. Highway 40.

All Tymber Creek Utilities customers are invited to attend the meeting, which will be held at the following time and location:

Thursday, October 7, 2004

6:00 p.m.

Ormond Beach Performing Arts Center
399 North U.S. Highway #1
Ormond Beach, Florida

PSC staff is currently scheduled to file a recommendation to the Commission concerning the proposed rate increase on November 18, 2004. The Commission is currently scheduled to consider the staff's recommendation and vote on this matter at its November 30, 2004, Agenda Conference.

###

Website - <http://www.floridapsc.com>
Kevin Bloom, Director, Office of Public Information
Additional Press Contact: Tarik Noriega
2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Marguerite Lockard

PSC-04-1264-PAA-SU

From: Jackie Schindler
Sent: Monday, December 20, 2004 4:25 PM
To: CCA - Orders / Notices; Ralph Jaeger; Janice Banka
Subject: Order / Notice Submitted

040300-SU

30 pages

RESENT

An ORDER GRANTING TEMPORARY RATES IN THE EVENT OF PROTEST AND NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING INCREASE IN RATES AND CHARGES has been corrected and moved to GC Orders for issuance first thing on Tuesday.

attach's online

Thanks.

js

2 mailed - RAR.

1 Volusia clerk.