

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of tariff amendment
to include a late fee of \$14.00 in Polk County
by West Lakeland Wastewater.

DOCKET NO. 100413-SU
ORDER NO. PSC-10-0716-PCO-SU
ISSUED: December 8, 2010

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
RONALD A. BRISÉ
EDUARDO E. BALBIS

ORDER SUSPENDING PROPOSED TARIFF

BY THE COMMISSION:

Background

West Lakeland Wastewater, Inc. (West Lakeland or Utility) is a Class C wastewater utility serving approximately 315 wastewater customers in Polk County. This area is in the Southwest Florida Water Management District and is considered a water use caution area. Water service is provided by the City of Lakeland. The Utility's 2009 annual report shows operating revenue of \$31,095 and net operating loss of \$4,620.

On October 1, 2010, the Utility filed an application for approval of a late payment fee of \$14.00. This Order addresses the suspension of West Lakeland's proposed tariff sheet. We have jurisdiction pursuant to Section 367.091, Florida Statutes (F.S).

Analysis and Decision

Pursuant to Section 367.091(6), F.S., we may withhold consent to operation of any or all portions of a new rate schedule by a vote to that effect within 60 days, giving a reason or statement of good cause for withholding consent. At the Agenda Conference on November 30, 2010, we voted to suspend the Utility's tariff to allow our staff sufficient time to review the application and gather all pertinent information before presenting to us a recommendation on the proposed tariff. We find that this reason is good cause consistent with the requirement of Section 367.091(6), F.S. Accordingly, West Lakeland's proposed tariff to establish a \$14.00 late payment fee for its wastewater operation is hereby suspended pending further review.

Based on the foregoing, it is

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FPSC-COMMISSION CLERK

ORDERED by the Florida Public Service Commission that the Utility's proposed tariff to establish a \$14.00 late payment fee for its wastewater operation shall be suspended in accordance with Section 367.091(6), F.S. It is further

ORDERED that this docket shall remain open pending final action on the Utility's requested approval to establish a late payment fee of \$14.00.

By ORDER of the Florida Public Service Commission this 8th day of December, 2010.



ANN COLE
Commission Clerk

(S E A L)

ARW

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.