

# SPECIAL REPORT



JUNE 2000 NO. 13

## Investigation into potential overearnings in Highlands County by **Highlands Ridge Associates, Inc.**

Highlands Ridge Associates, Inc. (Highlands Ridge or utility) is a water and wastewater utility located in Avon Park in Highlands County and has provided service to approximately 302 water customers and 296 wastewater customers since December 31, 1997.

In February, 1998, the Florida Public Service Commission (PSC) received both a request for a refund of a portion of regulatory assessment fees (RAFs) paid during the years 1994-1996, and an application for a 1998 price index. PSC staff contacted the utility and was informed that the Southwest Florida Water Management District (SWFWMD or District) had contacted the utility about the high per capita consumption of the utility's customers. According to the utility, the District indicated that the utility's Consumptive Use Permit would be reviewed 18 months early for the primary purpose of requiring the utility to implement a conservation-oriented rate structure.

It was discovered by PSC staff during its case review that the utility failed to bill any of its general service customers. Although the utility's 1997 annual report did not indicate that the utility achieved a return greater than what was authorized, due to the number of customers who had not been billed, PSC staff requested an audit of the utility's rate base, capital structure and operating position for a test year ending December 31, 1997. A "test year" is a 12-month operating period the PSC uses to evaluate the cost of service and the adequacy of the rates a utility is charging or proposing to charge its customers.

Based on the PSC staff's preliminary analysis, the Commission ordered that a full investigation of the utility's earnings for water and wastewater service is appropriate.

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 Commission hearing unless a timely protest to the Commission's proposed action is filed.

The customer meeting listed to the right of this report is being conducted in the utility's service area to hear and respond to customer comments on the utility's earnings and water conservation issues. In accordance with Florida Statutes, the PSC will consider the utility's quality of service and other matters in this case.

PSC staff is scheduled to make a recommendation to the Commission on August 24, 2000, and the Commission vote is scheduled for the September 5, 2000, Agenda Conference.

## **CUSTOMER MEETING**

DOCKET NO. 981147-WS

**Monday, June 19, 2000**

The Grand Ballroom at Highlands Ridge  
3003 E. Fairway Vista Drive  
Avon Park, Florida

### **PSC Staff & Reference Numbers**

#### **For legal questions:**

Jennifer Brubaker (850) 413-6228

#### **For technical questions:**

Jennie Lingo (850) 413-6964

Stanley Rieger (850) 413-6970

#### **For general information:**

Thelma Crump (850) 413-7087

Robby Cunningham (850) 413-6129

or call toll free 1-800-342-3552

1-800-511-0809 to fax

Internet: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Home page: <http://www.floridapsc.com>

## FPSC Commissioners



### *Joe Garcia*

Chairman Joe Garcia was appointed by the late Governor Lawton Chiles in August 1994 to complete a term ending in January 1998, and was then reappointed by Governor Chiles to a new term ending in January 2002. He was installed as Chairman of the Florida Public Service Commission in January 1999. Chairman Garcia is currently Chair of the National Association of Regulatory Utility Commissioners' (NARUC) Committee on International Relations and serves on the NARUC Committees on Telecommunications and Consumer Affairs. In addition, he was appointed to the Federal Communications Commission's Federal-State Joint Board on Universal Service. He is Second Vice-Chair of the Southeastern Association of Regulatory Utility Commissioners (SEARUC), and also serves on the advisory councils of the Institute of Public Utilities at Michigan State University and the Center for Public Utilities at New Mexico State University. He has also served on the Department of Energy's National Electric and Magnetic Fields Advisory Committee. Prior to his service on the Commission, he was Executive Director of the Cuban Exodus Relief Fund, the Cuban American National Foundation's private sector resettlement program, and was Assistant Director of the Salvadoran American Foundation, where he coordinated fund-raising efforts for humanitarian relief campaigns. He received a bachelor of arts degree in politics and public affairs, as well as a law degree, from the University of Miami. He is a director of The Beacon Council and the Latin Chamber of Commerce of USA (CAMACOL).



### *J. Terry Deason*

Commissioner Deason was first appointed by the Florida Public Service Commission Nominating Council in February 1991 for a term ending in January 1995. He has been reappointed to consecutive terms by the late Governor Lawton Chiles and Governor Jeb Bush. Commissioner Deason's current term ends in January 2003. He served as Commission Chairman from January 5, 1993, through January 2, 1995. Commissioner Deason is an active member of the National Association of Regulatory Utility Commissioners (NARUC). Deason currently serves on NARUC's Board of Directors, its Finance and Technology Committee, and Utility Association Oversight Committee. Prior to his appointment, Deason served as Chief Regulatory Analyst in the Office of Public Counsel. In that capacity, Commissioner Deason was responsible for the coordination of accounting and financial analysis used by the Public Counsel in cases before the Public Service Commission, presented testimony as an expert witness, and consulting with the Public Counsel on technical issues and ratemaking policies concerning regulated utilities in the State of Florida. From 1981 to 1987, he served as Executive Assistant to PSC Commissioner Gerald L. Gunter, during which time he reviewed and analyzed staff recommendations and advised the Commissioner on those recommendations and other pertinent policy determinations. From 1977 to 1981, he served as a Legislative Analyst with the Office of Public Counsel. He attended the U. S. Military Academy at West Point, and in 1975 received his bachelor of science degree in accounting, summa cum laude, from Florida State University. Deason also received his master of accounting degree from FSU in 1989.



### *Susan F. Clark*

Commissioner Clark was appointed by the late Governor Lawton Chiles in August 1991 and was reappointed to a term ending in 2003. She served as Commission Chairman from January 2, 1995, through January 7, 1997. She served the Commission as General Counsel, representing the Commissioners in all state and federal courts, from 1988 until she was appointed Commissioner. Prior to that, she served as Associate General Counsel and Deputy General Counsel from 1980 to 1988. While employed by the Commission, she participated in the development of Commission policies relating to cogeneration and conservation in the electric industry, restructuring of the telecommunications industry to accommodate competition, and streamlining the regulation of water and wastewater utilities. Prior to her employment with the Public Service Commission, she was staff attorney with the Florida Joint Administrative Procedures Committee from 1977 to 1980, and was staff attorney for Florida Senate Legislative Services from 1974 to 1977. Commissioner Clark received her bachelor's degree in political science and her juris doctor degree from the University of Florida. She is a member of the Florida Bar and is admitted to practice in several federal courts, including the U.S. Supreme Court. She serves as Chair of the National Association of Regulatory Utility Commissioners' (NARUC) Committee on Electricity, and Chair of the Ad Hoc Committee on Electric Industry Restructuring. She is also a member of the NARUC Subcommittee on Nuclear Issues-Waste Disposal, the Subcommittee on Strategic Issues and the Executive Committee. She represents NARUC on the North American Electric Reliability Council, is a member of the Electric Power Research Institute Advisory Council, is a member of the Steering Committee of the National Council on Competition, and is a member of the Advisory Council to the Board of Directors of the Nuclear Electric Insurance Limited.



### *E. Leon Jacobs, Jr.*

Commissioner Jacobs was appointed by the late Governor Lawton Chiles to a four-year term beginning January 1998. Prior to his appointment, he was a staff attorney for the House Committees on Tourism and Economic Development, Insurance, and Financial Services in the Florida House of Representatives, where he authored reforms to the state's minority business enterprise programs and managed health insurance and workers' compensation issues. He was staff counsel to the Florida Senate Committee on Reapportionment addressing redistricting issues, which involved support of court appeals of the political districts up through the U.S. Supreme Court. He also was an attorney with the Florida Public Service Commission, where he served as counsel to Commission staff and litigator of administrative proceedings. He is a member of the National Association of Regulatory Utility Commissioners' (NARUC) Committee on Water and Committee on Consumer Affairs. He is also a volunteer guardian in the Guardian Ad Litem Program (GAL) in the Second Judicial Circuit. Additionally, Commissioner Jacobs formerly chaired NARUC's Ad Hoc Task Force on Y2K Readiness. He also formerly served as President of the Board of Directors of the Tallahassee affiliate of Habitat for Humanity. Commissioner Jacobs is a member of the Florida Bar. He received a bachelor of technology degree, with honors, in data processing from Florida A&M University, and his juris doctor degree from the College of Law at Florida State University.



### *Lila A. Jaber*

Commissioner Lila A. Jaber was appointed to the Florida Public Service Commission (PSC) by Governor Jeb Bush in February 2000 to complete a term ending in January 2001. From April 1999 to November 1999, she served as Assistant to PSC Commissioner Julia L. Johnson. From 1994 to 1999, Jaber served as a Bureau Chief with the PSC's Division of Legal Services, Bureau of Water and Wastewater, implementing law and policies on the regulation of more than 1,500 water and wastewater facilities throughout the state of Florida. She also served as an attorney with the Division of Legal Services from 1991 to 1994. Jaber was presented with the PSC's Extraordinary Accomplishment Award in 1993 and was presented the Great Manager Esquire Award by the Florida Bar in 1997. She is a member of the Florida Bar Administrative Law Section, the Florida Bar Government Lawyer Section, the Florida Bar Public Utilities Law Committee, and the Florida Barristers Association. Commissioner Jaber is a court-certified mediator and a member of the Florida Bar and the National Bar Association. Jaber also serves on the National Association of Regulatory Utility Commissioners' Committee on Consumer Affairs and the Committee on Water. She received a bachelor of arts degree in political science and business from Stetson University in Deland, FL, and a juris doctorate from the Stetson University College of Law in St. Petersburg, FL.

## Consumer Statements at PSC Meetings

The PSC is interested in what consumers have to say about the investigation into potential overearnings in Highlands County by Highlands Ridge Associates, Inc. The main purpose of this meeting is to receive comments from the public.

Anyone may make a statement, and speaking is an effective way to let the Commission know how you feel about the case under review. Those consumers who wish to speak should arrive early. The meeting will begin as scheduled and continue until all the consumers have been heard.

At the beginning of the meeting, procedures will be set up to establish an order for comments. PSC staff will have sign-up sheets, and consumers will be called in the order of those sheets. PSC staff will be available to coordinate consumer comments and assist members of the public.

Any person who wishes to comment or provide information to PSC staff may do so at the meetings, orally or in writing. Written comments may be sent to the Commission at: Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Your letter will be placed in the correspondence file of this docket (Docket No. 981147-WS). For your convenience, a comment form is attached to this Special Report. You may also call the Commission's toll-free number, **1-800-342-3552**, or **1-800-511-0809** to FAX.

Any person who is unable to attend and who wishes to obtain a copy of the recommendation or the order may do so by writing to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850.

### Florida Public Service Commission

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## Consumer Information

2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 184  
Tallahassee, Florida 32399-0850

The Public Service Commission's Bureau of Consumer Information provides a staff of information specialists who are available to answer questions from the media and from Florida consumers.

To reach a PSC media representative, please call the Bureau of Consumer Information during business hours at (850) 413-6100 or send a fax to 1-800-511-0809. See the PSC's Internet home page at <http://www.floridapsc.com>.



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Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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