

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by PALM COAST ) DOCKET NO. 940283-WU  
UTILITY CORPORATION for Approval ) ORDER NO. PSC-94-0638-FOF-WU  
of Extension of Emergency Water ) ISSUED: May 25, 1994  
Agreement with the Town of )  
Marineland )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING  
LUIS J. LAUREDO

ORDER GRANTING EXTENSION OF WATER SERVICE

BY THE COMMISSION:

Palm Coast Utility Corporation (Palm Coast or utility) is a Class A utility providing service for 12,735 water customers and 8,591 wastewater customers in Flagler County. According to its 1992 annual report, Palm Coast's annual revenue were \$5,165,993 for water and \$2,435,508 for wastewater. Annual operating income was \$137,758 for water and \$285,514 for wastewater.

Palm Coast originally filed for approval to provide emergency water service on March 4, 1992, because the City of Marineland (Marineland) was experiencing periods of inoperability in providing water service. This Commission granted approval of a new class of service allowing Palm Coast to provide emergency water service to Marineland for one year in Order No. PSC-92-0328-FOF-WU, issued May 11, 1992. Order No. PSC-93-0792-FOF-WU, issued May 24, 1993, extended this agreement for one more year. This agreement ended on February 6, 1994. No provisions were made in Order No. PSC-93-0792-FOF-WU for the utility to file another extension because Marineland was due to have completed its improvements by the end of the agreement. However, there is a problem with the switching panel on a backup generator that was installed by Ring Power and Florida Power and Light Company, which is expected to be fixed by September, 1994. Due to this problem, Marineland, on February 28, 1994, and Palm Coast, on March 18, 1994, requested a second one-year extension of the above referenced agreement. Palm Coast and Marineland followed proper procedures in requesting this extension of emergency water service.

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This agreement is based on the utility's capability to provide water service to Marineland due to its excess capacity, and the fact the agreement is temporary. Palm Coast's design flow of the water treatment plants are 8.0 million gallons per day (mgd). Palm Coast's peak usage for 1993 was 4.7 mgd. The average monthly usage by Marineland for 1993 was 99,000 gallons. The peak monthly usage for Marineland during that period was 299,000 gallons. Based on Marineland's average usage, Palm Coast has enough capacity to provide Marineland with the necessary water needed.

Palm Coast shall submit revised tariff sheets which reflect the new emergency water agreement period. The revised tariff pages will be approved upon the Commission's verification that the pages are consistent with our decision herein and that the protest period has expired.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the request for approval of a one year extension of emergency water agreement between the Palm Coast Utility Corporation, 2 Utility Drive, Palm Coast, Florida 32137, and the City of Marineland is approved. It is further

ORDERED that Palm Coast Utility Corporation shall submit tariff sheets to be approved by the Commission which shall reflect the new emergency water agreement period. The revised tariff pages shall be approved upon the Commission's verification that the pages are consistent with our decision herein and that the protest period has expired. It is further

ORDERED that this docket shall be closed if no timely protest is received from a substantially interested person by the expiration of the protest period.

By ORDER of the Florida Public Service Commission, this 25th day of May, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

MSN

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 15, 1994.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.