BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a staff-) DOCKET NO. 940768-WS assisted rate case in Martin) ORDER NO. PSC-95-0363-FOF-WS County by FISHERMAN'S COVE OF) ISSUED: March 14, 1995 STUART, INC.

The following Commissioners participated in the disposition of this matter:

> SUSAN F. CLARK, Chairman J. TERRY DEASON JOE GARCIA JULIA L. JOHNSON DIANE K. KIESLING

ORDER GRANTING TEMPORARY RATES IN THE EVENT OF PROTEST

AND

NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING RATES AND CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein, except for the granting of temporary rates in the event of a protest, is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

Fisherman's Cove of Stuart, Inc. (Fisherman's Cove or utility) is a Class C water and wastewater utility located in Martin County. By Order No. 8357, issued June 14, 1978, the utility was granted Certificates Nos. 309-W and 257-S. On July 20, 1994, the utility applied for this staff-assisted rate case and paid the appropriate filing fee. We have audited the utility's records for compliance with our rules and orders and determined those components necessary for setting rates. We have also conducted an engineering field investigation, which included inspection of the treatment

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facilities and certificated territory. We have selected a historical test year ended December 31, 1993.

During the test year, the utility provided water and wastewater service to approximately 521 residential customers. The utility's service area is composed of duplexes. Based on our audit, the utility's test year revenues were \$94,842 for water and \$133,802 for wastewater, and its expenses were \$90,857 for water and \$132,860 for wastewater, which resulted in income of \$3,985 for water and \$942 for wastewater.

The Commission has a memorandum of understanding with the Florida Water Management Districts. This memorandum recognizes that a joint cooperative effort is necessary to implement an effective, statewide water conservation policy. Water use in the utility's service area is under the jurisdiction of the South Florida Water Management District. Because there are no special water use conditions placed on the utility in the permit issued by the Water Management District, no particular restrictions that promote conservation are necessary.

QUALITY OF SERVICE

On January 12, 1995, a customer meeting was held at the Howard Johnson's Conference Room in Stuart, Florida, to allow customers to address the quality of service being provided by the utility. Approximately seven customers attended the meeting. The customers did not testify about the quality of service provided to them. Since there are no current complaints on file with the Commission, and none were made at the time of the customer meeting, it appears that the customers are satisfied with the service rendered to them.

In reference to compliance with state and local health requirements, the utility has had operating permit problems. For water, recent test results of lead and copper sampling show copper to be excessive. To eliminate this problem, the utility is in the process of modifying its treatment plant to adjust the ph in the water through the injection of soda ash. Also, the utility is 1) modifying its pumping capabilities to provide for increased fire flow capacity; 2) repairing cracked concrete at the well sites; 3) replacing a chlorine alarm system; 4) installing a chlorination equipment shelter; and 5) cleaning and painting the treatment facility. The utility appears to be adequately addressing the permit situation for the water treatment facility, and it is expected that permitting compliance will soon be achieved.

For wastewater, the utility has been cited for violations of statutes and rules of the Department of Environmental Protection

(DEP). These citations primarily are concerned with problems related to effluent disposal compliance and treatment facility permit renewal. The utility is in the process of working with DEP in finding a resolution to these problems. A temporary operating permit is being obtained, which will allow the utility time to satisfy the DEP requirements. We are satisfied with the utility's progress in this area. These problems do not directly affect the health and welfare of the customers at this time. As long as the utility is cooperating with the agency of primacy in this area, we believe that Commission involvement is unnecessary. Based on the foregoing, we find that the quality of service is satisfactory.

RATE BASE

Order No. 24284, issued March 25, 1991, established rate base component balances as of June 30, 1990. Based on our audit, the utility did not reconcile its books to coincide with Order No. 24284. We have selected a historical test year ended December 31, 1993. We have made adjustments to reconcile the utility's rate base component balances to coincide with Order No. 24284. All rate base components have been updated through December 31, 1993, to include additions, reclassification and retirements.

Our calculation of the appropriate rate base for the water and wastewater systems are depicted on Schedules No. 1 and 1-A, respectively. Our adjustments are itemized on Schedule No. 1-B. Those adjustments which are self-explanatory or which are essentially mechanical in nature are reflected on those schedules without further discussion in the body of this Order. The major adjustments are discussed below.

Used and Useful

Water Treatment Plant. The designed capacity of the water treatment plant is 240,000 gallons per day. The maximum daily flow that occurred during the test year was 132,000 gallons per day. There was also 120,000 gallons per day allowed for fire flow. There was no allowance for margin reserve, because the system is built out. Therefore, we find that the water treatment plant is 100% used and useful.

Wastewater Treatment Plant. The wastewater treatment plant has a treatment capacity of 100,000 gallons per day. The average daily flow of the peak usage month during the test year was 89,000 gallons per day. Like the water treatment facility, there was no allowance considered for margin reserve, because the system is built out. Since the system is built out, we find that the wastewater treatment plant is 100% used and useful.

<u>Water Distribution and Wastewater Collection Systems</u>. The water distribution system and wastewater collection system have a capacity of 245 residential connections. Because both the water and wastewater systems are built out, we find that these systems are 100% used and useful.

Utility Plant in Service (UPIS)

The utility recorded Utility Plant in Service of \$409,324 for water and \$320,502 for wastewater as of December 31, 1993. We have decreased UPIS by \$164,313 for water and increased UPIS by \$67,591 for wastewater to reconcile plant totals with the amounts approved in Order No. 24284.

We have further increased UPIS by \$1,603 for water and \$10,533 for wastewater to reflect reclassification of plant cost from operation and maintenance expenses. We have further increased UPIS by \$10,615 for wastewater to reflect plant that was previously expensed.

Based on our audit, the utility purchased a new vehicle after the test year and requested that the cost be included in utility plant. The utility traded a vehicle that was recorded on its books valued at \$6,183 for water and wastewater each. We find that the new vehicle is 80% used and useful for utility purposes. Therefore, we have decreased UPIS by \$6,183 for water and wastewater each to reflect the retirement of the vehicle that was traded. The 80% value of the new vehicle is \$19,364. We have increased UPIS by \$4,841 for water and wastewater each to reflect 80% of the average cost of the new vehicle.

The utility has been permitted to perform some improvements at the water treatment plant. These improvements include general cleaning and painting, well head repair, chlorine alarm, chlorine enclosure and fire flow improvements. The utility provided us with an estimated cost of \$5,060. This amount is reasonable. Therefore, we have increased UPIS by \$2,530 for water to reflect average pro forma plant improvements. We have also made averaging adjustments of \$955 for water and (\$3,647) for wastewater. Our total adjustments for UPIS are a decrease of \$160,567 for water and an increase of \$83,750 for wastewater. Based on the foregoing, we find that as of December 31, 1993, the appropriate average plant in service amount is \$248,757 for water and \$404,252 for wastewater.

Land

The utility owns the land on which the water and wastewater systems are located. Order No. 24284, issued March 25, 1991, approved land value of \$18,284 for water and wastewater each. There have been no additions to land since June 1990. Therefore, land value remains \$18,284 for water and wastewater each.

Contributions in Aid of Construction (CIAC)

The utility recorded \$47,523 in CIAC for water and wastewater each. Order No. 24284 established CIAC of \$78,809 for water and \$84,744 for wastewater as of June 30, 1990. The utility has not collected or recorded any CIAC since June 1990. Therefore, we have increased CIAC by \$31,286 for water and \$37,221 for wastewater to reconcile the utility's balance with Order No. 24284. Since CIAC balances remained the same during the test year, an averaging adjustment is not necessary. Therefore, we find that an appropriate average balance for CIAC is \$78,809 for water and \$84,744 for wastewater as of December 31, 1993.

Accumulated Depreciation

Order No. 24284 established year end accumulated depreciation as of June 30, 1990. The utility recorded accumulated depreciation of \$184,626 for water and \$110,810 for wastewater. We have decreased accumulated depreciation for water by \$113,606 to reconcile the utility balance with Order No. 24284 and reflect additional accumulated depreciation net of retirements through December 30, 1993. We have increased wastewater accumulated depreciation by \$6,302 to reconcile the utility's balance with Order No. 24284 and reflect additional accumulated depreciation net of retirements through December 31, 1993.

In addition, we have increased accumulated depreciation by \$807 for water and wastewater each to reflect average depreciation on the new vehicle, and by \$135 for water to reflect average depreciation on pro forma plant improvements. We have made averaging adjustments of \$1,284 for water and \$3,949 for wastewater. The total adjustment for accumulated depreciation is a decrease of \$113,948 for water and an increase of \$3,106 for wastewater. Based on the foregoing, we find that the appropriate balance for accumulated depreciation as of December 31, 1993 is \$70,678 for water and \$113,970 for wastewater.

Amortization of CIAC

Order No. 24284 established amortization of CIAC for water and wastewater as of June 30, 1990. The utility recorded amortization of CIAC of \$10,199 for water and wastewater each. We have increased amortization of CIAC by \$10,412 for water and \$13,399 for wastewater to reconcile the utility's balance with Order No. 24284 and reflect additional amortization through December 31, 1993. We have made averaging adjustments of (\$1,051) for water and (\$1,198) for wastewater. Therefore, we find the appropriate amount for amortization of CIAC as of December 31, 1993 is \$19,560 for water and \$22,400 for wastewater.

Working Capital Allowance

Consistent with Rule 25-30.443, Florida Administrative Code, we find that the one-eighth of operation and maintenance expense formula is appropriate for calculating working capital allowance. Applying that formula, we find an appropriate working capital allowance of \$8,627 for water and \$13,025 for wastewater. We have increased the utility's working capital allowance by \$8,627 for water and \$13,025 for wastewater to reflect the appropriate working capital allowance figures based on this formula.

Test Year Rate Base

Based on the foregoing, we find the appropriate test year rate base amount is \$145,741 for water and \$259,247 for wastewater.

CAPITAL STRUCTURE

Our calculation of the appropriate cost of capital, including our adjustments, is depicted on Schedule No. 2. Those adjustments which are self-explanatory or which are essentially mechanical in nature are reflected on that schedule without further discussion in the body of this Order.

The utility's capital structure includes negative common equity of \$131,504. We have adjusted the negative common equity to zero. Therefore, the utility's capital structure contained no equity at the end of the test year. Order No. PSC-94-1051-FOF-WS, issued August 29, 1994, capped the return on common equity at 11.34% for all water and wastewater utilities having equity ratios of less than 40%. Since the utility's equity ratio is zero, we find that the appropriate return on equity is 11.34%. The return on equity has not been used to calculate the overall rate of return.

The utility's capital structure also includes long-term debt of \$2,007 at a cost of 15.66%, long-term debt of \$418,077 at a cost of 10.92%, long-term debt of \$7,067 at a cost of 10.72%, and customer deposits of \$23,595 at a cost of 6%.

We have reconciled the utility's capital structure to our rate base for water and wastewater. Applying the weight of the longterm debt and customer deposits to the cost of each capital component results in an overall rate of return of 10.65%. Therefore, we find that the appropriate overall rate of return is 10.65%.

NET OPERATING INCOME

Our calculation of net operating income for the water and wastewater systems is depicted on Schedules No. 3 and 3-A, respectively. Our adjustments are itemized on Schedule No. 3-B. Those adjustments which are self-explanatory or which are essentially mechanical in nature are reflected on those schedules without further discussion in the body of this Order. The major adjustments are discussed below.

Based on the test year billing analysis, the utility provided water and wastewater service to approximately 521 residential customers. The utility recorded test year revenues of \$94,842 for water and \$133,802 for wastewater. We have completed a revenue based on the utility's existing rates, test year number of customers and consumption. This revenue check shows that the utility charged its customers the appropriate rates and recorded revenues correctly. Therefore, no adjustment is necessary.

The test year revenues are \$94,842 for water and \$133,802 for wastewater. Corresponding test year operating expenses are \$90,857 for water and \$132,860 for wastewater. These figures do not include our approved revenue increase and corresponding taxes. This results in a test year operating income of \$3,985 for water and \$942 for wastewater.

Operation and Maintenance (O & M) Expenses

The utility's recorded expenses have been traced to supporting documentation and adjustments have been made to reflect the appropriate amount for the test year. Our analysis of 0 & M expenses for the water and wastewater systems is depicted on Schedules No. 3-C and 3-D, respectively.

1) <u>Salaries and wages - Employees</u> - The utility recorded employee salaries of \$20,107 for water and wastewater each. The

> recorded salaries include a salary of \$6,095 for the general manager, \$7,288 for the office manager and \$6,724 for salary that was not paid to the general manager due to lack of funds. The utility has requested an annual salary of \$12,000 for the general manager for water and wastewater each. This amount is reasonable for the required duties and number of hours the manager spends conducting utility business. We have increased this expense by \$5,905 for water and wastewater each to reflect the general manager's annual salary of \$24,000.

> The utility requested an annual salary of \$8,060 for water and wastewater each for the office manager. We have increased this expense by \$772 for water and wastewater each to reflect an annual salary of \$8,060 for the office manager as requested by the utility. We have decreased this expense by \$6,724 for water and wastewater each to remove booked salaries that were never paid to the general manager.

- 2) <u>Salaries and wages Officers</u> The utility did not record a salary for an officer. The utility requested an annual salary for the utility's president of \$2,500 for water and wastewater each. This amount is reasonable for the duties required and the hours the officer spends conducting utility business. We have increased this expense by \$2,500 for water and wastewater each.
- 3) <u>Purchased power</u> The utility recorded a purchased power expense of \$8,267 for water and wastewater each. We have decreased this expense by \$551 for water and wastewater each to remove a non-utility expense. We have also decreased the water expense by \$2,170 and increased the wastewater expense by \$2,170 to reclassify this expense to the appropriate system.
- 4) <u>Chemicals</u> The utility recorded a chemical expense of \$1,747 for water and \$1,828 for wastewater. We have increased this expense by \$281 for water and \$246 for wastewater to reflect the increase in the cost of chlorine that will be needed annually.
- 5) <u>Materials and supplies</u> The utility recorded a materials and supplies expense of \$1,747 for water and \$3,328 for wastewater. We have decreased this expense by \$243 for water and increased this expense by \$243 for wastewater to reclassify this expense to the appropriate system.
- 6) <u>Contractual Services</u> The utility recorded contractual services expenses of \$24,355 for water and \$37,682 for

> wastewater. We have decreased this expense by \$400 for water and \$1,188 for wastewater to remove a prior period expense. We have also decreased this expense by \$4,509 for water and \$7,627 for wastewater to reclassify plant.

> The utility recorded a contractual operator expense of \$12,096 for water and \$12,060 for wastewater. The annual contractual cost is \$13,200 for water and wastewater each. We have increased the expense by \$1,104 for water and \$1,140 for wastewater to allow the annual contract amount.

In addition, we have increased this expense by \$3,713 for water and wastewater each to reflect the test year accrued total for accounting services. We have also increased this expense by \$794 for water and wastewater each to reflect the current annual contract amount for accounting services.

The utility has provided us with copies of invoices totaling \$2,785.50 for wastewater treatment plant operating permit costs. We have increased this expense by \$557 for wastewater to reflect the permitting cost amortized over a five year period.

The utility recorded a DEP required testing expense of \$605 for water and \$4,250 for wastewater in contractual services. We have increased this expense by \$220 to reflect the appropriate annual amount for DEP required water testing and increased this expense by \$173 to allow DEP required tank testing. A schedule of DEP required water testing expenses follows:

Description	Annual Cost
Primary Organics Nitrates/Nitrites Unregulated Contaminates Lead and Copper	\$ 125 140 200 360
Tank testing	173
Total annual cost	\$ 998

7) <u>Rents</u> - The utility recorded a rent expense of \$3,230 for water and \$4,189 for wastewater. We have increased this expense by \$421 for water and wastewater each to reflect annual rent per lease. We have decreased this expense by \$51 for water and \$1,010 for wastewater to reflect a reclassification to miscellaneous expense.

- 8) <u>Insurance Expense</u> The utility recorded an insurance expense of \$727 for water and wastewater each. We have decreased this expense by \$250 for water and \$301 for wastewater to remove a non-utility expense. We have increased this expense by \$3,280 for water and \$3,820 for wastewater to reflect pro forma liability insurance.
- 9) <u>Regulatory Commission Expense</u> The utility did not record a regulatory commission expense for the water or wastewater systems. We have increased this expense by \$250 for water and wastewater each to reflect the rate case filing fee amortized over four years.
- 10) <u>Miscellaneous Expense</u> The utility recorded a miscellaneous expense of \$3,236 for water and \$2,842 for wastewater. We have increased this expense by \$51 for water and \$1,010 for wastewater to reflect a reclassification from rent expense. We have decreased this expense by \$492 for water and wastewater each to remove a non-utility expense. We have also decreased this expense by \$560 for water to remove a DEP fine.

Depreciation Expense

We have calculated test year depreciation expense using the rates prescribed by Rule 25-30.140, Florida Administrative Code. The utility recorded depreciation expense of \$12,968 for water and \$9,019 for wastewater. We have decreased this expense by \$2,326 for water and increased this expense by \$6,986 for wastewater to reflect our calculated depreciation expense. We find that the appropriate depreciation expense is \$10,642 for water and \$16,005 for wastewater.

Amortization of CIAC

The utility recorded amortization of CIAC expense of \$1,416 for water and wastewater each. We have increased this expense by \$688 for water and \$982 for wastewater to reflect our calculated amortization of CIAC. We find that the appropriate amortization of CIAC expense is \$2,104 for water and \$2,398 for wastewater.

Taxes Other Than Income

The utility recorded taxes other than income of \$11,916 for water and \$13,679 for wastewater. We have decreased this expense by \$36 for water and \$46 for wastewater to reflect regulatory assessment of 4.5% on test year revenue. We have increased this expense by \$1,421 for water and wastewater each to reflect payroll taxes on the salaries previously approved.

Increase in Operating Revenues and Expenses

Operating Revenue

We have increased revenue by \$12,079 for water and \$27,925 for wastewater to reflect the increase in revenue required to allow the utility to recover its expenses and earn the authorized return on its investment.

Taxes Other Than Income

We have increased this expense by \$543 for water and \$1,257 for wastewater to reflect a regulatory assessment fee of 4.5% on the required increase in revenue.

Based on the foregoing adjustments, we find the utility's test year operating expenses to be \$91,400 for water and \$134,117 for wastewater.

REVENUE REQUIREMENT

Based on the utility's books and records and the adjustments made herein, we find that the appropriate annual revenue requirement is \$106,921 for water and \$161,727 for wastewater. This represents an annual increase in revenue of \$12,079 (12.74%) for water and \$27,925 (20.87%) for wastewater. This will allow the utility the opportunity to recover its expenses and earn a 10.65% return on its investment. Revenue requirements are shown on Schedules Nos. 3 and 3-A.

RATES AND CHARGES AND RATE STRUCTURE

We find that the rates set forth below are fair, just, reasonable, and not unfairly discriminatory. These rates have been designed to allow the utility to recover its expenses and the opportunity to earn a 10.65% return on its investment.

Monthly Service Rates

Currently, the utility employs a base facility/gallonage charge rate structure, which is considered a conservation rate structure. We find that this is the most appropriate rate structure for this utility. Based on the test year billing analysis, the average water consumption was approximately 5,000 gallons per month for a residential customer with a $5/8" \times 3/4"$ meter. The average water bill for such a customer using existing rates is \$15.53 per month. The average bill for such a customer

using the rates approved herein is \$17.28. The percentage increase to the existing water rate is 11.27%.

The average wastewater bill for a residential customer using existing rates is \$22.36 per month. The average bill for a residential customer using the rates approved herein is \$26.68 per month. The percentage increase to the existing wastewater rate is 19.50%.

The utility's existing rates and rate structure and those approved herein are set forth below for comparison.

MONTHLY RATES

WATER

Residential and General Service

<u>Base Facility Charge</u> <u>Meter Sizes</u>	Existing Rates	Approved Rates
5/8" x 3/4"	\$ 6.98	\$ 8.58
3/4"	10.47	12.87
1"	17.45	21.44
1 1/2"	34.90	42.88
2 "	55.84	68.61
3 "	111.60	137.23
4 "	174.50	214.42
6 "	349.00	428.34
<u>Gallonage</u> Charge		
Per 1,000 gallons	\$ 1.71	\$ 1.74

MONTHLY RATES

WASTEWATER

Residential Service

Base Facility Charge Meter Sizes	Existing Rates	Approved Rates		
All sizes	\$ 9.86	\$ 12.63		
Gallonage Charge				
Per 1,000 gallons (10,000 gallon max)	\$ 2.50	\$ 2.81		

The rates approved above are designed to produce revenue of \$106,921 for water and \$161,727 for wastewater, using the base facility charge rate structure. These rates shall be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code, provided the customers have received notice. The utility shall submit revised tariff sheets reflecting the approved rates along with a proposed customer notice listing the new rates and explaining the reasons therefor. The revised tariff sheets will be approved upon our staff's verification that the tariff sheets are consistent with our discussion herein and that the proposed customer notice is adequate. These rates may not be implemented until proper notice has been received by the customers. The utility shall provide proof of the date notice was given within 10 days after the date of the notice.

STATUTORY RATE REDUCTION AND RECOVERY PERIOD

The statutory recovery period for rate case expense is four years. The appropriate annual rate reduction at the end of that period is \$262 for water and wastewater each.

Section 367.0816, Florida Statutes, entitled "Recovery of Rate Case Expense", states:

The amount of rate case expense determined by the Commission pursuant to the provisions of this chapter to be recovered through a public utilities rate shall be apportioned for recovery over a period of four years. At the conclusion of the recovery period, the rate of the

> public utility shall be reduced immediately by the amount of rate case expense previously included in rates.

The reduction will reflect the removal of revenues associated with the amortization of rate case expense and the gross-up for regulatory assessment fees. The reduction in revenues will result in the rates reflected on Schedule Nos. 4 and 4-A attached to this Order.

The utility shall file revised tariffs no later than one month prior to the actual date of the required rate reduction. The utility shall also file a proposed customer notice setting forth the lower rates and the reason for the reduction.

If the utility files this reduction in conjunction with a price index or pass-through rate adjustment, separate data shall be filed for the price index and/or pass-through increase or decrease, and for the reduction in the rates due to the amortized rate case expense.

TEMPORARY RATES IN THE EVENT OF PROTEST

This Order proposes an increase in water and wastewater rates. A timely protest might delay what may be a justified rate increase resulting in an unrecoverable loss of revenue to the utility. Therefore, in the event of a protest filed by a party other than the utility, we authorize the utility to collect the rates approved herein, on a temporary basis, subject to refund provided that the utility first furnish and have the following approved by Commission staff: 1) adequate security for a potential refund through a bond, letter of credit in the amount of \$27,708, or an escrow account with an independent financial institution; 2) a proposed customer notice; and 3) revised tariff sheets.

If the utility chooses a bond as security, the bond shall contain wording to the effect that it will be terminated only under the following conditions:

- 1) The Commission approved the rate increase, or
- If the Commission denies the increase, the utility shall refund the amount collected that is attributable to the increase.

If the utility chooses a letter of credit as security, it shall contain the following conditions:

- The letter of credit is irrevocable for the period it is in effect.
- The letter of credit will be in effect until a final Commission order is rendered, either approving or denying the rate increase.

If the security is provided through an escrow agreement, the following conditions shall be part of the agreement:

- No refunds in the escrow account may be withdrawn by the utility without the express approval of the Commission.
- The escrow account shall be an interest bearing account.
- If a refund to the customers is required, all interest earned by the escrow account shall be distributed to the customers.
- If a refund to the customers is not required, all interest earned by the escrow account shall revert to the utility.
- 5) All information on the escrow account shall be available from the holder of the escrow account to a Commission representative at all times.
- 6) The amount of revenue, subject to refund, shall be deposited in the escrow account within seven days of receipt.
- 7) This escrow account is established by the direction of the Florida Public Service Commission for the purpose(s) set forth in its order requiring such account. Pursuant to <u>Cosentino v. Elson</u>, 263 So. 2d 253 (Fla. 3d DCA 1972), escrow accounts are not subject to garnishments.
- The Director of Records and Reporting must be a signatory to the escrow agreement.

In no instance shall the maintenance and administrative costs associated with the refund be borne by the customers. These costs are the responsibility of, and shall be borne by, the utility. Irrespective of the form of security chosen by the utility, an account of all monies received as a result of the rate increase shall be maintained by the utility. This account must specify by whom and on whose behalf such monies are paid. If a refund is

ultimately required, it shall be paid with interest calculated pursuant to Rule 25-30.360(4), Florida Administrative Code.

The utility shall maintain a record of the amount of bond, and the amount of revenues that are subject to refund. In addition, after the increased rates are in effect, the utility shall file reports with the Division of Water and Wastewater no later than 20 days after each monthly billing. These reports shall indicate the amount of revenue collected under the increased rates.

CLOSING OF DOCKET

As mentioned above, pro forma plant improvements have been included in rate base for setting rates. Therefore, we find it appropriate to keep this docket open for 90 days from the effective date of the Order to allow staff time to verify the completion of all pro forma plant improvements. Upon expiration of the protest period, if no timely protest is received, and if all pro forma plant improvements have been completed within the 90 day time frame, this docket shall then be closed administratively.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the application of Fisherman's Cove of Stuart, Inc. for an increase in its water and wastewater rates in Martin County is approved as set forth in the body of this Order. It is further

ORDERED that each of the findings made in the body of this Order is hereby approved in every respect. It is further

ORDERED that all matters contained in the schedules attached hereto are by reference incorporated herein. It is further

ORDERED that all of the provisions of this Order, except for the granting of temporary rates in the event of protest, are issued as proposed agency action and shall become final, unless an appropriate petition in the form provided by Rule 25-22.029, Florida Administrative Code, is received by the Director of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings below. It is further

ORDERED that Fisherman's Cove of Stuart, Inc. is authorized to charge the new rates and charges as set forth in the body of this Order. It is further

ORDERED that the rates approved herein shall be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code, provided the customers have received notice. It is further

ORDERED that prior to its implementation of the rates and charges approved herein, Fisherman's Cove of Stuart, Inc. shall submit and have approved a proposed notice to its customers of the increased rates and charges and the reasons therefor. The notice will be approved upon our staff's verification that it is consistent with our decision herein. It is further

ORDERED that prior to its implementation of the rates and charges approved herein, Fisherman's Cove of Stuart, Inc. shall submit an have approved a bond or letter of credit in the amount of \$27,708 or an escrow agreement with an independent financial institution as a guarantee of any potential refund of revenues collected on a temporary basis. It is further

ORDERED that prior to its implementation of the rates and charges approved herein, Fisherman's Cove of Stuart, Inc. shall submit revised tariff sheets which will be approved upon our staff's verification that the pages are consistent with our decision herein, that the protest period has expired, and that an appropriate customer notice has been submitted. It is further

ORDERED that in the event of a timely protest by any substantially affected person other than the utility, Fisherman's Cove of Stuart, Inc. is authorized to collect the rates approved herein on a temporary basis, subject to refund in accordance with Rule 25-30.360, Florida Administrative Code, provided that Fisherman's Cove has furnished satisfactory security for any potential refund and provided that it has submitted and our staff has approved revised tariff sheets and a proposed customer notice. It is further

ORDERED that this docket shall remain open for 90 days from the effective date of this Order to allow staff time to verify the completion of all pro forma plant improvements discussed above. Upon expiration of the protest period, if no timely protest is received from a substantially affected person, and if all pro forma plant improvements have been completed within the 90 days from the effective date of this Order, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission, this <u>14th</u> day of <u>March</u>, <u>1995</u>.

BLANCA S. BAYÓ, Director \bigvee Division of Records and Reporting

(SEAL)

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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.

As identified in the body of this order, our actions taken herein, except for the granting of temporary rates in the event of a timely protest by a substantially affected person, are preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on <u>April 4, 1995</u>. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 the relevant portion of this order becomes final and effective 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 effective date of this order, 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.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 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 after the issuance of this order, 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.

SCHEDULE NO. 1 DOCKET NO. 940768-WS

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 SCHEDULE OF WATER RATE BASE

		BALANCE PER	F	COMM. ADJUST TO UTIL. BAL.	BALANCE PER COMM.
UTILITY PLANT IN SERVICE	\$	409,324	\$	(160,567)	A 248,757
LAND/NON-DEPRECIABLE ASSETS		18,284		0	18,284
PLANT HELD FOR FUTURE USE		0		0	0
NON-USED AND USEFUL PLANT		0		0	0
CWIP		0		0	0
CIAC		(47,523)		(31,286)	B (78,809)
ACCUMULATED DEPRECIATION		(184,626)		113,948	C (70,678)
AMORTIZATION OF ACQUISITION ADJUSTMEN	IT	0		0	0
AMORTIZATION OF CIAC		10,199		9,361	D 19,560
WORKING CAPITAL ALLOWANCE		0		8,627	E8,627
WATER RATE BASE	\$	205,658	\$	(59,917)	\$ 145,741

FISHERMAN'S COVE OF STUART, INC.	SCHEDULE NO. 1-A
TEST YEAR ENDING DECEMBER 31, 1993	DOCKET NO. 940768-WS
SCHEDULE OF WASTEWATER RATE BASE	

		BALANCE PER	COMM. ADJUST. TO UTIL. BAL.	BALANCE PER COMM.
UTILITY PLANT IN SERVICE	\$	320,502 \$	83,750 A	\$ 404,252
LAND/NON-DEPRECIABLE ASSETS		18,284	0	18,284
PLANT HELD FOR FUTURE USE		0	0	0
NON-USED AND USEFUL PLANT		0	0	0
CWIP		0	0	0
CIAC		(47,523)	(37,221)B	(84,744)
ACCUMULATED DEPRECIATION		(110,810)	(3,160)C	(113,970)
AMORTIZATION OF ACQUISITION ADJUSTMEN	١T	0	0	0
AMORTIZATION OF CIAC		10,199	12,201 D	22,400
WORKING CAPITAL ALLOWANCE		0	13,025 E	13,025
WASTEWATER RATE BASE	\$	190,652	\$ 68,595	\$ 259,247

TES	HERMAN'S COVE OF STUART, INC. T YEAR ENDING DECEMBER 31, 1993 USTMENTS TO RATE BASE	SCHEDULE NO. 1-6 DOCKET NO. 94076	
Α.	UTILITY PLANT IN SERVICE	WATER	WASTEWATER
	 Agree the utility's plant balances with Order No. 24284. reclassification from O & M. To reflect previously expensed plant. To retire vehicle. To reflect 80% of average cost of new vehicle. To reflect average pro forma plant improvements. To To reflect averaging adjustments. 	\$ (164,313) 1,603 0 (6,183) 4,841 2,530 <u>955</u> \$ (160,567)	\$ 67,591 10,533 10,615 (6,183) 4,841 0 - (3,647) \$\$ 83,750
Β.	CONTRIBUTIONS IN AID OF CONSTRUCTION		
	1. To agree the utility's balance with Order No. 24284.	\$ (31,286)	\$(37,221)
C.	ACCUMULATED DEPRECIATION		
	 To agree the utility balance with Order No. 24284 and update accumulated depreciation through 12/31/93. Average depreciation on vehicle. Average depreciation on pro forma plant. Averaging adjustment. 	\$ 113,606 (807) (135) <u>1,284</u> \$ <u>113,948</u>	\$ (6,302) (807) 0 3,949 \$ (3,160)
D.	AMORTIZATION OF CIAC		
	 To agree the utility's balances with Order No. 24284 and update amortization through 12/31/93. Averaging adjustments. 	\$ 10,412 (1,051) \$ 9,361	\$ 13,399 (1,198) \$ 12,201
E.	WORKING CAPITAL ALLOWANCE	\$î.	
	1. To reflect 1/8 of test year O & M expenses	\$8,627	\$13,025

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 SCHEDULE OF CAPITAL STRUCTURE SCHEDULE NO. 2 DOCKET NO. 940768-WS

	PER	UTILITY	 MM. ADJUST. UTIL. BAL.	 BALANCE ER COMM.	PERCENT OF TOTAL	COST	WEIGHTED COST
LONG-TERM DEBT	\$	2,007	\$ (214)	\$ 1,793	0.44%	15.66%	0.07%
LONG-TERM DEBT		418,077	(44,770)	373,307	92.18%	10.92%	10.07%
LONG-TERM DEBT		7,067	(774)	6,293	1.55%	10.72%	0.17%
COMMON EQUITY		(131,504)	131,504	0	0.00%	11.34%	0.00%
CUSTOMER DEPOSITS		23,595	 0	 23,595	5.83%	6.00%	0.35%
TOTAL	\$	319,242	\$ 85,746	\$ 404,988	100.00%		10.65%

RANGE OF REASONABLENESS	LOW	HIGH
RETURN ON EQUITY	10.34%	12.34%
OVERALL RATE OF RETURN	10.65%	10.65%

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 SCHEDULE OF WATER OPERATING INCOME

SCHEDULE NO. 3 DOCKET NO. 940768-WS

	TEST YEAR PER UTILITY	COMM. ADJ. TO UTILITY	COMM. ADJUSTED TEST YEAR	ADJUST. FOR INCREASE	TOTAL PER COMM.
OPERATING REVENUES	\$ 94,842	\$0	94,842	\$ 12,079	E 106,921
OPERATING EXPENSES:					
OPERATION AND MAINTENANCE	65,504	3,514 A	69,018	0	69,018
DEPRECIATION	12,968	(2,326)	B 10,642	0	10,642
AMORTIZATION (CIAC)	(1,416)	(688)	C (2,104)	0	(2,104)
TAXES OTHER THAN INCOME	11,916	1,385	D 13,301	543	F 13,844
INCOME TAXES	0	0	0	0	0
TOTAL OPERATING EXPENSES	\$88,972	\$1,885	\$90,857	\$543	\$91,400
OPERATING INCOME/(LOSS)	\$5,870		\$3,985		\$15,521
WATER RATE BASE	\$205,658		\$145,741		\$145,741
RATE OF RETURN	N/A		2.73%		10.65%

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 SCHEDULE OF WASTEWATER OPERATING INCOME

SCHEDULE NO. 3-A DOCKET NO. 940768-WS

	TEST YEAF		COMM. ADJ. TO UTILITY		COMM. ADJUSTED TEST YEAR	ADJUST. FOR INCREASE	ļ	TOTAL PER COMM.
OPERATING REVENUES	\$ 133,80	2 \$	<u> 0</u>		133,802	\$ 27,925	Ε [161,727
OPERATING EXPENSES:								
OPERATION AND MAINTENANCI	E 98,55	1	5,648	A	104,199	0		104,199
DEPRECIATION	9,01	9	6,986	В	16,005	0		16,005
AMORTIZATION (CIAC)	(1,41	6)	(982)	С	(2,398)	0		(2,398)
TAXES OTHER THAN INCOME	13,67	9	1,375	D	15,054	1,257	F	16,311
INCOME TAXES		0	0		0	0		0
TOTAL OPERATING EXPENSES	\$119,83	3_\$	13,027	\$	132,860	\$ 1,257	\$	134,117
OPERATING INCOME/(LOSS)	\$13,96	9		\$	942		\$	27,610
WASTEWATER RATE BASE	\$190,65	2		\$	259,247_		\$	259,247
RATE OF RETURN	N	A			0.36%			10.65%

TEST	YEA	AN'S COVE OF STUART, INC. R ENDING DECEMBER 31, 1993 IENTS TO OPERATING INCOME	SCHEDULE NO. 3-B DOCKET NO. 940768-WS	
Α.		RATION AND MAINTENANCE EXPENSES	WATER	WASTEWATER
		 a. To reflect commission approved salary for the general manager. b. To reflect commission approved salary for the office mana 	\$ 5,905 ger. 772	\$ 5,905 772
		 To remove recorded salaries that were never paid to the general manager. 	\$ <u>(6,724)</u> (47)	\$ <u>(6,724)</u> \$ <u>(47)</u>
	2.	Salaries and Wages (Officers) a. To reflect commission approved salary for the officer.	\$\$	\$ 2,500
	3.	Purchased Power		
		 a. To remove a non-utility expense. b. To reclassify to appropriate system. 	\$ (551) <u>(2,170)</u> \$ <u>(2,721)</u>	\$ (551) \$ <u>2,170</u> \$ <u>1,619</u>
	4.	Chemicals		
		a. To reflect the increase in cost of chlorine.	\$	\$246
	5.	Materials and Supplies a. To reclassify to appropriate system	\$(243)	\$243
	6	Contractual Services		285 XII 2252A
		a. To remove a prior period expense.	\$ (400)	\$ (1,188)
		 Beclassification to plant 	(4,509)	(7.627)
		c To reflect contractual operator annual allowance.	1,104	0
		 d. To reflect annual DEP required test. d. To reflect annual DEP required tank test. 	173	0
		 d. To reflect annual DEP required tank test. e. To reflect accrued test year contractual accounting expension 		3,713
		 f. To reflect current annual contractual allowance for account 		794
		 To reflect a permit cost amortized over five years. 	0	557
		g. To reliect a permit cost all order of order the years.	\$ 1,095	\$ (2,611)
	7	Rents		
	<u>^</u>	a. To adjust to annual lease amount.	\$ 421	\$ 421
		b To reflect reclassification to account Nos 675 and 775.	(51)	(1.010)
			\$ 370	s (589)
				Electronic output and
	8.	Insurance Expense		22 2222
		 To remove a non-utility expense. 	\$ (250)	\$ (301)
		b. To reflect pro forma liability insurance expense.	3,280	3,820
			\$ 3,030	\$ 3,519
	0	Realistery Commission Expanses		
	9.	Regulatory Commission Expense a. To reflect rate case filing fee amortized over four years.	\$ 250	\$ 250
		a. To revect tate case ming fee and sizes of a room fee of	Doublett manifestation into	Construction Name
	10	Miscellaneous Expenses		
		a. Reclassification	\$ 51	\$ 1,010
		b. To remove a non-utility expense.	(492)	(492)
		c. To remove a DEP fine.	(560)	0
			\$ (1,001)	\$ <u>518</u>
		TOTAL O & M ADJUSTMENTS	\$ 3,514	\$ 5,648
		TOTAL O'UN ADDOSTMENTO		
Β.	DEF	PRECIATION EXPENSE		
	1.	To reflect test year depreciation expense.	\$(2,326)	\$6,986
C.	AM	ORTIZATION OF CIAC		
	1.	To reflect test year amortization of CIAC	\$ (688)	\$(982)
D	TAX	ES OTHER THAN INCOME		
	1.	To reflect regulatory assessment fee at 4.5% of test year revenue	ue \$ (3 6)	\$ (46)
	2	To reflect payroll taxes on staff's recommended salaries.	1,421	1,421
			\$ 1,385	\$ 1,375
		2010 1943 2005 No.5570 1940 1940 1940 1		
E	OP	ERATING REVENUES		
		To reflect increase in revenue to cover expenses and allow		
	1.		\$ 12,079	\$ 27,925
		commission approved rate of return.		
F.	TAY	ES OTHER THAN INCOME		
	1	To reflect additional regulatory assessment fee on 4.5% of		
		increase in revenue.	\$543	\$ 1,257
				_

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 ANALYSIS OF WATER OPERATION AND MAINTENANCE EXPENSE

SCHEDULE NO. 3-C DOCKET NO. 940768-WS

	P	TOTAL PER UTIL.		COMM. DJUST.	TOTAL PER COMM.	
	_					
(601) SALARIES AND WAGES - EMPLOYEES	\$	20,107	\$	(47)[1]	20,060	
(603) SALARIES AND WAGES - OFFICERS		0		2,500 [2]	2,500	
(604) EMPLOYEE PENSIONS AND BENEFITS		0		0	0	
(610) PURCHASED WATER		0			0	
(615) PURCHASED POWER		8,267		(2,721)[3]	5,546	
(616) FUEL FOR POWER PRODUCTION		0		0	0	
(618) CHEMICALS		1,747		281 [4]	2,028	
(620) MATERIALS AND SUPPLIES		1,468		(243)[5]	1,225	
(630) CONTRACTUAL SERVICES		23,750		702 [6]	24,452	
DEP REQUIRED TESTING		605		393 [6]	998	
(640) RENTS		3,230		370 [7]	3,600	
(650) TRANSPORTATION EXPENSE		2,170		0	2,170	
(655) INSURANCE EXPENSE		727		3,030 [8]	3,757	
(655) REGULATORY COMMISSION EXPENSE		0		250 [9]	250	
(670) BAD DEBT EXPENSE		197		0	197	
(675) MISCELLANEOUS EXPENSES		3,236		(1,001)[10]	2,235	
(**) Construction (**) Construction (**) (**) (**) (**) (**) (**) (**) (**	\$	65,504	\$	3,514 \$	69,018	

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 ANALYSIS OF WASTEWATER OPERATION AND MAINTENANCE EXPENSE

SCHEDULE NO. 3-D DOCKET NO. 940768-WS

	TOTAL		COMM.		TOTAL	
s. *	PER UTIL.		ADJUST.		PER COMM.	
 (701) SALARIES AND WAGES – EMPLOYEES (703) SALARIES AND WAGES – OFFICERS (704) EMPLOYEE PENSIONS AND BENEFITS (710) PURCHASED SEWAGE TREATMENT (711) SLUDGE REMOVAL EXPENSE (715) PURCHASED POWER (716) FUEL FOR POWER PRODUCTION (718) CHEMICALS (720) MATERIALS AND SUPPLIES (730) CONTRACTUAL SERVICES (740) RENTS (750) TRANSPORTATION EXPENSE (755) INSURANCE EXPENSE (765) REGULATORY COMMISSION EXPENSES (770) BAD DEBT EXPENSE 	P \$	20,107 0 0 17,226 8,267 0 1,828 3,328 37,682 4,189 2,161 727 0 194	\$	(47)[1] 2,500 [2] 0 1,619 [3] 0 246 [4] 243 [5] (2,611)[6] (589)[7] 0 3,519 [8] 250 [9] 0 518 [10]	-	20,060 2,500 0 17,226 9,886 0 2,074 3,571 35,071 3,600 2,161 4,246 250 194 3,360
(775) MISCELLANEOUS EXPENSES	\$	2,842	\$		\$	104,199

RECOMMENDED RATE REDUCTION SCHEDULE

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993 SCHEDULE NO. 4 DOCKET NO. 940768-WS

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CALCULATION OF RATE REDUCTION AMOUNT AFTER RECOVERY OF RATE CASE EXPENSE AMORTIZATION PERIOD OF FOUR YEARS

MONTHLY WATER RATES

RESIDENTIAL	COMM	ONTHLY M. APPROVED RATES	MONTHLY RATE REDUCTION
BASE FACILITY CHARGE: Meter Size:			
5/8"X3/4" 3/4" 1" 1-1/2" 2" 3" 4" 6"	\$	8.58 12.87 21.44 42.88 68.61 137.23 214.42 428.84	0.02 0.03 0.05 0.10 0.17 0.34 0.52 1.05
GALLONAGE CHARGE PER 1,000 GALLONS	\$	1.74	0.00

RECOMMENDED RATE REDUCTION SCHEDULE

FISHERMAN'S COVE OF STUART, INC. TEST YEAR ENDING DECEMBER 31, 1993

SCHEDULE NO. 4-A DOCKET NO. 940768-WS

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AFTER RECOVERY OF RATE CASE EXPENSE AMORTIZATION PERIOD OF FOUR YEARS

MONTHLY WASTEWATER RATES

RESIDENTIAL		MONTH COMM. AP RATE	PROVED	MONTHLY RATE REDUCTION	
BASE FACILITY CHARGE: Meter Size:	-				
All Meter Sizes		\$	12.63	0.02	
GALLONAGE CHARGE PER 1,000 GALLONS (10,000 GALLONS MAXIMUM)		\$	2.81	0.00	