

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a staff ) DOCKET NO. 920397-WS  
assisted Rate Case in Brevard ) ORDER NO. PSC-93-1416-FOF-WS  
County by CGD Corporation. ) ISSUED: September 29, 1993

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The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER GRANTING EXTENSION OF TIME TO  
COMPLETE PRO FORMA IMPROVEMENTS

BY THE COMMISSION:

CGD Corporation (CGD or Utility) is a Class "C" water and wastewater utility located in Brevard County. On May 5, 1992, the utility applied for staff assistance to obtain an increase in rates for its water and wastewater customers in Brevard County. By Order No. PSC-93-0011-FOF-WS, issued January 5, 1993, this Commission granted approval for CGD to increase its rates. The utility then implemented the new rates. However, because of regulatory mandates by the Department of Environmental Protection (DEP), the utility is required to install a backup generator at the water plant. In addition, the hydropneumatic tank and ground storage facility are in need of repair. These items were included as proforma plant, and a monitoring period was established for verification of the projects' completion. The original deadline for those projects completion was July 6, 1993. On July 26, 1993, the utility requested an extension of the monitoring period.

Approximately two weeks after Order No. PSC-93-0011-FOF-WS was issued on January 5, 1993, the utility selected an engineering firm to prepare the construction permit application for DEP. The application was prepared along with the plans and specifications, and was submitted to DEP on May 14, 1993. The DEP found the application to be incomplete and sent the utility's engineer a Request for Additional Information (RAI). The information was provided and the permit issued on July 12, 1993, which was after the deadline of July 6, 1993, established in Order No. PSC-93-0011-FOF-WS. An auxiliary power generator has been purchased and delivered to the water plant and is in the process of being installed. The utility requested an extension of time until September 1, 1993, to complete the required improvements to the system.

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We believe that since the permit has been obtained and the utility has begun the installation and repairs required by Order No. PSC-93-0011-FOF-WS, the utility should be granted an extension of time. However, we also find that the September 1, 1993, deadline requested by the utility, which has now past, was not sufficient to complete all the projects. Therefore, we find it appropriate to allow an extension of 90 days, starting from the date of the request, July 6, 1993, for the completion of all proforma plant improvements. Therefore, the final completion date for the plant improvements shall be October 4, 1993, at which time we will consider whether to initiate a show cause proceeding against the utility if the deadline is missed, or administratively close the docket. The docket shall remain open until all pro forma plant improvements have been verified as completed at which time the dockets may be closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that CGD Corporation's request for an extension of time to complete pro forma improvements is hereby granted as modified in the body of this Order. It is further

ORDERED that CGD Corporation shall complete all pro forma plant improvements required no later than October 4, 1993. It is further

ORDERED that if CGD Corporation fails to complete the improvements in a timely fashion, a show cause proceeding may be initiated against the utility. It is further

ORDERED that if CGD Corporation completes the required improvements and such completion is verified, the docket may be closed administratively.

By ORDER of the Florida Public Service Commission this 29th day of September, 1993.

( S E A L )  
LK/JBL

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STEVE TRIBBLE, Director  
Division of Records and Reporting

by: Kay DeLeon  
Chief, Bureau of Records

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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.

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 sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.