

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a Rate) DOCKET NO. 930770-WU
Increase in Franklin County by) ORDER NO. PSC-93-1735-FOF-WU
ST. GEORGE ISLAND UTILITY) ISSUED: December 2, 1993
COMPANY, LTD.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
JULIA L. JOHNSON
LUIS J. LAUREDO

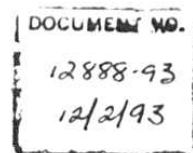
ORDER DISMISSING RATE PROCEEDING

BY THE COMMISSION:

St. George Island Utility Company, Ltd. (the utility) is a Class B utility providing service to approximately 993 water customers in Franklin County. On August 31, 1993, the utility filed an application for approval of interim and permanent rate increases pursuant to Sections 367.081 and 367.082, Florida Statutes. However, the minimum filing requirements (MFRS) were found to be deficient. Subsequently, the utility satisfied the MFRs and September 14, 1993, was designated as the official filing date.

At our November 9, 1993, Agenda Conference, we reviewed the utility's proposed rate increase request and the information filed in support of the application. We found it reasonable and necessary to require further amplification and explanation of this data, and to require production of additional or corroborative data. Therefore, pursuant to Section 367.081 (6), Florida Statutes, we suspended the utility's requested rates.

Also, at our November 9, 1993, Agenda Conference, we considered the utility's request for interim relief. Rule 25-22.0407(4), Florida Administrative Code, requires a rate request synopsis to be provided within thirty days of the official date of filing. Thirty days from the official date of filing was October 13, 1993. More importantly, Rule 25-22.0407(5), Florida Administrative Code, requires that all customers are to be given notice of the rate case proceeding within fifty days from the official date of filing. Fifty days from the official date of



filing was November 3, 1993. We determined that the utility had not submitted any notice or synopsis for staff review nor, apparently, had it provided such notice or synopsis to its customers or other entities as required by Rule 25-22.0407 (4) and (5), Florida Administrative Code. Therefore, we find it appropriate to deny this utility's request for interim rates.

Subsequently, at our November 23, 1993, Agenda Conference, we considered the appropriate action to take in regards to the utility's failure to provide notice to its customers of its request for a rate increase and to otherwise comply with Rule 25-22.0407 (4) and (5), Florida Administrative Code. We find it a very serious issue for a utility not to provide notice to its customers of such a filing. Not only is this a clear violation of the Commission's rule, but also it denies due process to customers. Previously, this Commission has dismissed rate cases for failure to comply with the noticing provisions. Sailfish Point Utility Corporation By Order No. 23123, issued June 26, 1990, this Commission dismissed a request for rate relief filed by Sailfish Point Utility Corporation (Sailfish). In dismissing the request, we determined that the failure by Sailfish to timely notice its customers denied the customers a timely point of entry into the rate proceeding and that such failure constituted a violation of the customers' right to procedural due process. Therefore, we find it appropriate to dismiss this rate case proceeding for failure to comply with the noticing requirements of Rule 25-22.0407, Florida Administrative Code.

In consideration of the above, we find it appropriate to require the utility to file all proposed notices and synopses with its MFRs if it chooses to refile its request for rate relief. In order to retain the 1992 test year approved in this docket, the utility shall file MFRs for a new request for rate relief no later than the close of the business day on January 31, 1994.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the petition for rate relief filed by St. George Island Utility Company, Ltd., is hereby dismissed as set forth herein. It is further

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ORDERED that to retain the 1992 test year, St. George Island Utility, Ltd., shall file MFRs with proposed notices and synopses no later than the close of the business day January 31, 1994. It is further

ORDERED that since the petition for rate relief is dismissed and no interim rates have been collected, this docket may be closed.

By ORDER of the Florida Public Service Commission, this 2nd day of December, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JBL

by: Kay Flynn
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.