

MEMORANDUM

March 31, 1998

RECEIVED

APR - 1 1998
1:20
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FERGUSON) *SE*

RE: DOCKET NO. 971041-WS - APPLICATION FOR INCREASED SERVICE AVAILABILITY CHARGES IN LEE COUNTY BY GULF UTILITY COMPANY.

98-0472-FOF-WS

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER MODIFYING ORDER NO. PSC-97-1620-FOF-WS TO REFLECT CORRECT SERVICE AVAILABILITY CHARGES, to be issued in the above-referenced docket.

(Number of pages in order - 4)

CF/dr

Attachment

cc: Division of Water and Wastewater (Galloway, Fuchs, Rendell)

I:971041or.cf

See 1

*pared - 2/0
waited -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
increased service availability
charges in Lee County by Gulf
Utility Company.

DOCKET NO. 971041-WS
ORDER NO. PSC-98-0472-FOF-WS
ISSUED: April 1, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER MODIFYING ORDER NO. PSC-97-1620-FOF-WS
TO REFLECT CORRECT SERVICE AVAILABILITY CHARGES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

Gulf Utility Company (Gulf or utility) is a Class A utility which serves approximately 7,254 water customers and 2,584 wastewater customers in Lee County, Florida, according to its 1996 annual report. The utility also reported in its 1996 annual report, water revenues in the amount of \$2,153,240 and wastewater revenues in the amount of \$1,250,181. The utility is located in a water use caution area as designated by the South Florida Water Management District.

On August 5, 1997, the utility submitted an application requesting approval of a jack and bore charge, as part of its service availability policy. In its application, the utility stated, "Gulf's current jack and bore rig is unable to perform many

DOCUMENT NUMBER DATE

03787 APR-1 98

FROM W. J. B. REPORTING

ORDER NO. PSC-98-0472-FOF-WS
DOCKET NO. 971041-WS
PAGE 2

service installations due to the width of pavement that has to be crossed." The utility further stated that some of the jack and bore services had been contracted out at a loss to Gulf.

Pursuant to Order No. PSC-97-1620-FOF-WS, issued December 30, 1997, we approved the jack and bore charges. However, the amount of the charge that we voted on was incorrect. The Order states that "the utility shall implement jack and bore charges of \$625 for only those connections which require the utility to contract performance of the service with a capable entity (other than the utility) as requested by Florida's Department of Transportation." Rather than a jack and bore charge of \$625, the utility requested a jack and bore charge of \$650. Therefore, the purpose of this Order is to modify Order No. PSC-97-1620-FOF-WS and approve a jack and bore charge of \$650.

MODIFYING THE JACK AND BORE CHARGE

Pursuant to Section 367.101, Florida Statutes, the Commission shall set just and reasonable charges and conditions for service availability. Our staff reviewed the utility's filing and verified with several businesses that the proposed jack and bore charge of \$650 was fair, just, and reasonable. While our staff agree with the amount requested by the utility, our staff's recommendation incorrectly listed the jack and bore charge as \$625 which resulted in Order No. PSC-97-1620-FOF-WS, issued December 30, 1997, also reflecting the incorrect charge. We agree that the proposed charge of \$650 is just and reasonable. Therefore, the Order is hereby modified to reflect the appropriate jack and bore charge of \$650.

At the conclusion of the protest period, if no protest is filed, this docket shall be closed. In the event that a timely protest is filed, the \$650 jack and bore charge shall remain in effect and the applicable revenues shall be held subject to refund pending resolution of the protest. Further, in the event of such protest, our staff will prepare an additional recommendation to address the appropriate security of such funds.

Based on the foregoing, it is

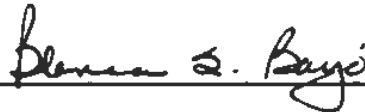
ORDERED by the Florida Public Service Commission that Order No. PSC-97-1620-FOF-WS, issued December 30, 1997, be modified to reflect the appropriate jack and bore charge of \$650. It is further

ORDER NO. PSC-98-0472-FOF-WS
DOCKET NO. 971041-WS
PAGE 3

ORDERED that in the event that a timely protest is filed, the \$650 jack and bore charge shall remain in effect and the applicable revenues shall be held subject to refund pending resolution of the protest. It is further

ORDERED that if no timely protest is filed, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 1st day of April, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 22, 1998.

In the absence of such a petition, this order shall become effective on the day 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 this order becomes final and effective on the date described above, any party substantially 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.

ORDER NO. FCC-98-0472-FOF-WS
DOCKET NO. 971041-WS
PAGE 5

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