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RECORDS AND  
REPORTING

January 26, 1999

Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**VIA HAND DELIVERY**

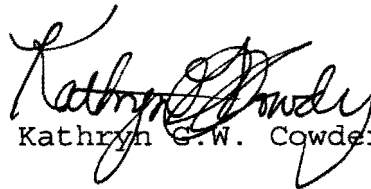
Re: Docket No. 950387-SU (Remand)  
Application of Florida Cities Water Company - North Ft. Myers  
Division - for increased wastewater rates in Lee County.

Dear Ms. Bayo:

Enclosed for filing in the above docket, on behalf of Florida  
Cities Water Company, is an original and fifteen (15) copies of a  
Motion to Make Rates Permanent.

Please acknowledge receipt of the foregoing by stamping the  
enclosed extra copy of this letter and returning same to my  
attention. Thank you for your assistance.

Sincerely,

  
Kathryn G.W. Cowdery

ACK \_\_\_\_\_  
AFA 2  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_ KGWC/ldv  
EAG \_\_\_\_\_ Enclosures  
LEG 1  
LIN 3  
OPC \_\_\_\_\_  
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SEC \_\_\_\_\_  
WAS Willis  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate ) DOCKET NO. 950387-SU  
 increase for North Ft. Myers )  
 Division in Lee County by )  
 Florida Cities Water Company -) Filed: January 26, 1999  
Lee County Division.)

MOTION TO MAKE RATES PERMANENT

Florida Cities Water Company (FCWC) files this its Motion to Make Rates Permanent and states:

1. The purpose of this motion is to request that the Commission:

a. Make permanent the allowed revenue and the rates approved by the Commission at its agenda conference for the consideration of this Docket now scheduled for March 2, 1999;

b. Allow FCWC to continue to collect on an interim basis, subject to refund, the revenue not allowed, if any, by the Commission at its agenda conference now scheduled for March 2, 1999.

2. The application in this docket was filed on May 19, 1995. The Commission issued its Proposed Agency Action Order PSC-95-1360-FOF-SU (PAA), on November 2, 1995. FCWC did not protest the PAA. However, twelve customers did file a protest and the Office of Public Counsel (OPC) intervened. FCWC implemented the PAA rates, subject to refund, in January 1996. A hearing was held on April

24-25, 1996. Order No. PSC-96-1133-FOF-SU (Final Order) was issued on September 10, 1996, which was appealed by FCWC. The District Court of Appeal, First District reversed the Commission in part and remanded in part. The Commission held a hearing on remand on December 8 and 9, 1998.

3. FCWC has been collecting the interim rates subject to refund since January 1996. When the Commission makes its decision in this docket at the agenda conference, at least a portion of the revenue now being collected on an interim basis will no longer be in controversy. The Court held and the Commission has agreed that the plant capacity of the wastewater plant is 1.25 mgd and that 1.25 mgd should be used in the denominator of the fraction in determining the proper used and useful percent. No party challenged this holding during the course of the remand proceeding. This change alone allows additional uncontroverted revenue above that allowed by the Final Order in the amount of \$174,661 on an annual basis. The Commission should allow FCWC to collect this revenue on a permanent basis.

Wherefore, Florida Cities Water Company moves that the Commission:

a. Make permanent the allowed revenue and the rates approved by the Commission at its agenda conference for the consideration of this Docket now scheduled for March 2, 1999;

b. Allow FCWC to continue to collect on an interim basis, subject to refund, the revenue not allowed by the Commission at its agenda conference now scheduled for March 2, 1999; and

c. Such other relief as may be appropriate.

DATED this 26th day of January, 1999.



E. KENNETH GATLIN  
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Attorneys for FLORIDA CITIES  
WATER COMPANY

Certificate of Service

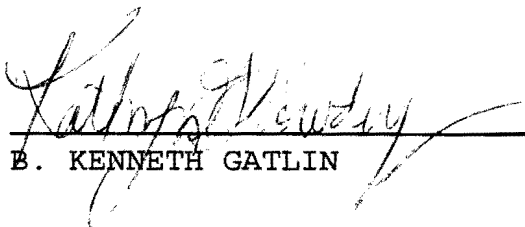
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by U.S. Mail, unless otherwise noted, this 26th day of January, 1999 to:

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