

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 911195-WS
amendment of service)
availability policy in) ORDER NO. PSC-92-0131-FOF-WS
Brevard County by AQUARINA)
DEVELOPMENTS, INC.) ISSUED: 3/31/92
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER SUSPENDING PROPOSED
SERVICE AVAILABILITY CHARGES

BY THE COMMISSION:

BACKGROUND

Aquarina Developments, Inc. (Aquarina or Utility) is a Class "C" utility located in Melbourne Beach, Florida. The Utility serves the Aquarina development as well as the Hammock, a neighboring development. Currently Aquarina serves 44 water and wastewater customers. In 1990, the water system had actual operating revenues of \$1,768 and a net operating loss of \$141,144. The wastewater system had actual operating revenues of \$1,768 and a net operating loss of \$252,999.

On December 12, 1991, the Utility filed an application for an amendment to its service availability policy. The Utility requested interim and final plant capacity charges of \$625 for water and \$800 for wastewater. The application did not meet the minimum filing requirements of Rule 25-30.565, Florida Administrative Code. On January 10, 1992, we requested the utility to submit additional information. On January 23, 1992, the Utility responded with the requested information and that date was established as the official filing date.

DOCUMENT NUMBER-DATE

03136 MAR 31 1992

FPC-RECORDS/REPORTING

This Commission last reviewed the Utility's service availability policy in a staff-assisted rate case in Docket No. 900168-WS. The Utility did not collect any service availability charges or receive any donated property prior to that case. Order No. 23812, issued November 27, 1990, established main extension charges of \$180 for the water system and \$502 for the wastewater system.

The Utility also petitioned this Commission to amend its water and wastewater certificates to include additional territory in Brevard County. This territory expansion, which was assigned Docket No. 911129-WS, is currently awaiting administrative approval.

SUSPENSION OF SERVICE AVAILABILITY CHARGES

In its application, Aquarina included tariff sheets for the proposed charges. Section 367.091 (5), Florida Statutes, states that the Commission may withhold consent to the operation of any or all portions of new rate schedules, by a vote to that effect within 60 days giving a reason or statement of good cause for withholding its consent. If the Commission does not withhold consent, the new rate schedules may be assumed in effect after 60 days. The 60 day suspension date for those tariff sheets was March 23, 1992.

We find it is appropriate to suspend the Utility's requested service availability charges pending further investigation. We may subsequently consider the Utility's request for interim service availability rates to be placed in an escrow account, based on Aquarina's indication that it expects shortly to execute a developer's agreement for service within its territory for which it has requested approval in Docket No. 911129-WS. It is inappropriate to consider such interim rates for an area not yet within the utility's certificated territory.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Aquarina Developments, Inc.'s, proposed service availability charges are hereby suspended.

ORDER NO. PSC-92-0131-FOF-WS
DOCKET NO. 911195-WS
PAGE 3

By ORDER of the Florida Public Service Commission, this 31st
day of March, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RG

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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.