

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a Staff ) DOCKET NO. 900654-WS  
Assisted Rate Case in Martin ) ORDER NO. PSC-92-0541-FOF-WS  
County by FISHERMAN'S COVE OF ) ISSUED: 06/23/92  
STUART )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER EXTENDING TIME FOR PLANT IMPROVEMENTS TO BE COMPLETED

BY THE COMMISSION:

Fisherman's Cove of Stuart, Inc., (FCS or utility) is a class "C" water and wastewater utility located in Martin County. On July 24, 1990, the utility applied for the instant staff-assisted rate case; and by proposed agency action (PAA) Order No. 24284, issued March 25, 1991, we granted the utility approval to increase its rates. Since no timely protest to said Order was filed, our decision became final, and the utility implemented the new rates.

Prior to the rate case, the Department of Environmental Regulation (DER) required the utility to make certain plant improvements. The utility proposed installing surge tanks to level out peak flows and adding chlorine contact capacity. We made pro forma plant allowances for the plant additions in the rate case and established a six-month monitoring period to verify the project's completion.

By Order Number 25277, issued October 31, 1991, we granted the utility a 180-day extension, until April 20, 1992, to complete the plant improvements. As explained in that Order, the utility encountered an unexpected delay in the permit application process in that it had to complete a hydrogeologic study, make alterations to its plans, and resubmit its application for a construction permit.

DER is currently processing a letter of intent to grant the utility a construction permit. With this commitment from DER, the utility purchased the necessary tanks. The tanks are on-site, in place, and, with relatively little preparation, can be connected to the treatment plant. However, the utility cannot complete the plant improvements until the construction permit is issued. We

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believe the utility would have had all the pro forma plant improvements completed by the April 20, 1992, extended deadline were it not for delays in the permitting process. We think it appropriate to grant the utility, on our own initiative, until August 31, 1992, to complete the plant improvements.

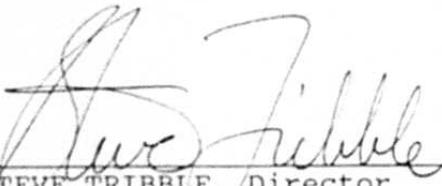
This docket shall remain open until the completion of all pro forma plant improvements have been verified. The docket should then be closed administratively.

It is, therefore,

ORDERED by the Florida Public Service Commission that Fisherman's Cove of Stuart, Inc., shall complete the plant improvements for which we made pro forma allowances in Order No. 24284 by August 31, 1992. It is further

ORDERED that this docket shall remain open until the completion of all pro forma plant improvements have been verified; thereafter, the docket may be closed administratively.

By ORDER of the Florida Public Service Commission, this 23rd day of June, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

MJF

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.

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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.