

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for change ) DOCKET NO. 920327-WS  
of service availability charges) ORDER NO. PSC-92-1021-FOF-WS  
in Charlotte and Sarasota ) ISSUED: 09/21/92  
Counties (West Coast Division) )  
by GENERAL DEVELOPMENT )  
UTILITIES, INC. )  
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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 SCHEDULES

BY THE COMMISSION:

General Development Utilities, Inc./West Coast Division (GDUWCD or utility) is a Class A utility located in Charlotte and Sarasota Counties. GDUWCD is a wholly-owned subsidiary of General Development Corporation. As of December 31, 1991, GDUWCD had 6,730 water customers and 5,414 wastewater customers.

On April 10, 1992, GDUWCD filed a request for an increase in service availability charges which did not meet the minimum filing requirements. On May 11, 1992, the additional information was filed. On June 6, 1992, in response to a Motion for a Writ of Prohibition by the Cities of North Port and Palm Bay, the First District Court of Appeal ordered GDUWCD and the Florida Public Service Commission to show cause why the Commission has jurisdiction to determine water and wastewater rates for GDUWCD in Dockets Nos. 911067-WS and 911030-WS. By operation of Rule 9.100(f), Florida Rules of Appellate Procedure, the show cause automatically stayed further Commission proceedings. On August 6, 1992, the First District Court of Appeal denied the Writ of Prohibition. This decision lifted the automatic stay on Commission proceedings.

Section 367.081 (6), Florida Statutes, provides that the schedules proposed by GDUWCD shall become effective within 60 days after filing unless the Commission votes to withhold consent to the implementation of the requested charges. The 60-day period would have ended on July 13, 1992. However, even though the utility

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disagreed that the automatic stay in the pending rate case dockets applied to this service availability docket, the utility agreed to waive the 60-day suspension period until 31 days following the court's resolution of the Writ of Prohibition. The stay was lifted on August 6, 1992. Therefore, the last day to suspend the proposed schedules was extended to September 6, 1992.

We have reviewed the filing and the information filed in support of the application. We find that it is reasonable and necessary to require further amplification and explanation of the data filed by GDUWCD. In consideration of the above, we find it appropriate to suspend the proposed service availability schedules.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the proposed service availability schedules filed by General Development Corporation, West coast Division are hereby suspended.

By ORDER of the Florida Public Service Commission this 21st day of September, 1992.



STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.

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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.