

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate increase )	DOCKET NO. 900386-WU
in Marion County by SUNSHINE UTILITIES )	ORDER NO. 24147
OF CENTRAL FLORIDA, INC. )	ISSUED: 2-22-91
_____ )	

ORDER GRANTING EXTENSION OF TIME AND  
ACKNOWLEDGING WAIVER OF FIVE-MONTH REQUIREMENT  
OF SECTION 367.081(8), FLORIDA STATUTES

Sunshine Utilities of Central Florida, Inc., (Sunshine or utility) filed an application for a rate increase on October 1, 1990. On October 10, 1990, the utility met the minimum filing requirements, and that date was established as the official date of filing. The utility requested that its application be processed as proposed agency action pursuant to Section 367.081(8), Florida Statutes, which requires that we enter our vote on the proposed agency action within five months of the official filing date. The statute further provides that if the Commission has not taken action at the expiration of the five months, the utility may place its requested rates into effect, under guaranty and subject to refund.

On February 8, 1991, the utility filed a "Request For Extension Of Time" (Request). In that filing, the utility states that because Commission auditors are returning to the utility to prepare a more complete review of plant additions, the utility needs more time to prepare a response and to provide other documentation in support of its rate base. Also, the utility asked that the agenda conference at which the Commission considers the proposed agency action in this case be continued from March 5, 1991, to April 16, 1991. Paragraph six of the filing states, "Upon granting of this request, Sunshine Utilities hereby extends the 5 month deadline provided for in Section 367.081(8), Florida Statutes, until April 16, 1991."

Upon review of the February 8th Request, I deem it to be a valid waiver of the five-month deadline established in Section 367.081(8), Florida Statutes. By the utility's waiver of the five-month deadline, it has also necessarily waived its right to implement its proposed rates at the end of the five-month period, as is allowed by Section 367.081(8), Florida Statutes. Furthermore, I do not find the request for additional time to respond to the audit to be unreasonable.

Accordingly, the utility's Request is hereby granted. The case schedule should be revised to reflect the April 16, 1991, agenda date.

DOCUMENT NUMBER-DATE

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Based upon the foregoing, it is

ORDERED by Chairman THOMAS M. BEARD, as Prehearing Officer, that the "Request For Extension Of Time" filed by Sunshine Utilities Of Central Florida, Inc., is hereby granted as set forth in the body of this Order.

By ORDER of Chairman THOMAS M. BEARD, as Prehearing Officer, this 22nd day of FEBRUARY, 1991.

  
THOMAS M. BEARD  
Chairman and Prehearing Officer

( S E A L )

MF

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 sewer 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.