

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request that a temporary discontinuance of service rule be added to the tariff of Shady Oaks Mobile-Modular Estates, Inc., in Pasco County.	)	DOCKET NO. 910585-WS
	)	ORDER NO. 24620
	)	ISSUED: 6/5/91
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING TARIFF REVISION TO INCLUDE TEMPORARY DISCONTINUANCE OF SERVICE PROVISION

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Shady Oaks Mobile-Modular Estates, Inc. (Shady Oaks or Utility) is a water and wastewater utility located in Pasco County approximately 1-1/2 mile south of Zephyrhills. Order No. 15633, issued February 6, 1986, granted Shady Oaks Certificates Nos. 451-W and 382-S.

Order No. 14540 allowed the Utility to continue billing its customers a flat monthly service fee for water and wastewater based on restrictive covenants included in the deeds of the lot owners. On January 10, 1990, Shady Oaks applied for a staff-assisted rate case. At that time, the Commission separated the water and wastewater charges from the monthly fee. Rates were set in Proposed Agency Action Order No. 24084, issued February 8, 1991, which was protested. The protest was dismissed. Order No. 24084 was finalized by Order No. 24409, issued March 22, 1991.

Pursuant to Order No. 24084, Shady Oaks is in the process of converting its rate structure from flat monthly rates to the base facility/gallage charge rate structure. Meters are being

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installed in preparation for the change, which is scheduled to occur by October 22, 1991.

The change in rate structure will ensure that each customer pays his or her share of the related facility costs necessary to provide service, and to pay only for the gallons actually consumed. This rate structure will also help solve the "fair-share" problems associated with part-time residents. If these residents do not pay their share of the costs of providing service, the revenue deficiency would have to be absorbed by the year-round residents.

On May 8, 1991, Shady Oaks filed a request with this Commission for the inclusion of a Temporary Discontinuance of Service provision in its water and wastewater tariffs. This provision was inadvertently omitted from Shady Oaks' tariffs when the rate structure was revised from flat to metered rates.

We find Shady Oaks' request to be reasonable and it is approved. The Utility's tariff is hereby revised to include the following language:

Temporary Discontinuance of Service - For all metered customers: at any time a customer may request a temporary discontinuance of service in order to insure that that customer is not billed for any water usage during the period of time in which the premises is not occupied or otherwise utilized. The customer will, however, be liable for payment of the base facility charge during the entire period of time the temporary disconnect remains in effect, in order for the Company to be able to recover its fixed cost of having water service available to those premises upon request by the customer.

Shady Oaks has submitted revised tariff sheets reflecting this language.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Shady Oaks Mobile-Modular Estates, Inc. to include a Temporary Discontinuance of Service provision in its water and wastewater tariffs is hereby approved. It is further

ORDERED that the tariff sheets, submitted by Shady Oaks, will be approved upon the Commission Staff's verification that the

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tariff sheets are consistent with the Commission's decision. The tariff sheets shall be effective for service rendered 30 days on or after the stamped approval date on the tariff sheets. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceeding or Judicial Review" attached hereto. It is further

ORDERED that in the event that this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of JUNE, 1991.

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STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

ALC

by: Kay Flynn  
 Chief, Bureau of Records

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

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hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 26, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.