

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of tariffs concerning installation of service meter and cross-connection control device for private fire protection service customers in Lee County by Florida Cities Water Company - Lee County Division.

DOCKET NO. 970659-WU
ORDER NO. PSC-97-0924-PCO-WU
ISSUED: August 4, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

BACKGROUND

Florida Cities Water Company, Lee County Division (FCWC or utility) is a Class A utility that provides water service for about 17,000 customers in Ft. Myers, Florida. In 1995, FCWC's reported revenues for water service were \$8,599,649, and the corresponding income amount was \$2,516,782. The utility's service area has been designated a critical use area by the South Florida Water Management District.

On March 18, 1997, we received a letter from a developer concerning FCWC's policy on the installation of service meters and cross connection control devices on private fire protection. FCWC's policy is that the developer is responsible for the cost incurred from the installation of the service meters and cross connection control devices on private fire protection. The developer does not believe that the total cost should be his responsibility. The developer believes that the FCWC should at least make the private fire protection accessible by performing the tap from the main. Since the tap from the main has limited use and

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would not be beneficial to the general body of ratepayers, FCWC believes it should not incur any cost in relation to private fire protection. FCWC indicated that having the developer incur the cost of the installation for private fire protection has been its policy for approximately 12 years. However, in our review of the utility's tariff, it did not have a tariff page addressing the service availability charges for the private fire protection class. This raised a concern.

In order to address this concern, pursuant to Rule 25-9.005(4) and (5), Florida Administrative Code, and Section 367.091, Florida Statutes, we requested that the utility file proposed tariff sheets with regards to the private fire protection class. On May 29, 1997, we received the tariff sheets.

SUSPENSION

Pursuant to Section 367.091(5), Florida Statutes, the tariff sheets proposed by the utility shall become effective within sixty days after filing, unless the Commission votes to withhold consent of the requested rates, charges or customer service policies. Section 367.091(5), Florida Statutes, also provides 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 reason or statement of good cause for withholding that consent.

We have reviewed the filing and have considered the information filed by the utility. We believe it is reasonable and necessary to require further explanation of this data, and to require production of corroborative information, if necessary, in order to thoroughly review the utility's request for approval of the proposed tariff. Therefore, we find it appropriate to suspend Florida Cities Water Company's proposed tariff pending further investigation.

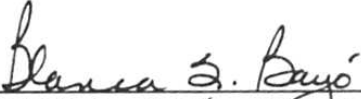
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Cities Water Company, Lee County Division's proposed tariff with regards to the private fire protection class is hereby suspended. It is further

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ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 4th
day of August, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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

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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.