

RESOLUTION NO. 2000 - 156

A RESOLUTION RELATING TO INTERCOASTAL UTILITIES, INC. WITHDRAWING CASE NO. 00-3132, PENDING BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS, FROM SUCH DIVISION AND PROVIDING THAT SUCH APPLICATION SHALL BE HEARD AND DETERMINED BY THE ST. JOHNS COUNTY UTILITY AUTHORITY AND/OR THE BOARD OF COUNTY COMMISSIONERS.

WHEREAS, Case No. 00-3132, Intercoastal Utilities, Inc., Petitioner, vs. St. Johns County Water and Sewer Authority, Respondent, is presently pending before the State of Florida Division of Administrative Hearings relating to a proposed rate increase; and

WHEREAS, the Board of County Commissioners of St. Johns County is of the opinion that it is in the public interest that the determination of all issues, in such rate case be made by the Authority and the Board; and

NOW THEREFORE, BE IT RESOLVED that Case No. 00-3132 presently pending before the Division of Administrative Hearings be, and the same is, hereby withdrawn from the Division of Administrative Hearings and shall be determined by the Authority and/or the Board of County Commissioners of St. Johns County:

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 10th day of October, 2000.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Alicia LaGrande
Deputy Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY

DOCKET NO.: 2000-0007-0021-0002

ORDER NO.: 2000-00009

IN THE MATTER OF:

INTERCOASTAL UTILITIES, INC.

ORDER

THIS MATTER came before the St. Johns County Board of County Commissioners upon consideration of the question of whether Intercoastal Utilities, Inc. is in compliance with Order No. 2000-00001, the Final Order Accepting Agreement of Parties and Modifying Order 98-00005, entered by this Board on January 25, 2000. In the Agreement, Attachment A hereto, the parties recommended that a complete audit be conducted of Intercoastal's 1999 Annual Report. The parties also agreed that if the Utility filed a petition for rate relief using a period other than calendar year 1999, there would be an audit of both the test year and the calendar year.

On June 30, 2000, Intercoastal submitted a letter of notification of a proposed Application to increase Water and Wastewater Rates and requesting approval of a projected test year ended June 30, 2002, utilizing a base historic period of the year ended June 30, 2000. On August 14, 2000, Larkin and Associates, the firm engaged by the Board to conduct the audit as agreed to by the parties, submitted a set of data requests to Intercoastal. On August 21, 2000, Intercoastal, through counsel, declined to provide the requested information asserting that the request was violative of the terms of the Agreement.

The information sought in the data request dated August 14, 2000, (Attachment B hereto), is within the scope of the Agreement and the Board finds that it should be provided. Inherent in the

Agreement is that Intercoastal Utilities will cooperate in the making of the audit and that is our expectation. Notwithstanding the terms of the Agreement, the Board has the authority to investigate matters related to the business operation of Intercoastal Utilities, Inc. pursuant to Section 2.2 of the Rules and Regulations of the St. Johns County, Florida Utility Authority.

IT IS Upon consideration thereof **ORDERED**:

1. Intercoastal Utilities, Inc. is directed to submit to a complete audit of its 1999 Annual Report.

2. Intercoastal Utilities, Inc. is directed to furnish all information required in the First Set of Data Requests for the period January 1, 1999 to December 31, 1999, no later than October 24, 2000.

3. In the event that Intercoastal Utilities does not comply with the provisions hereof within the time specified in Paragraph (2), hereof, a penalty of \$500.00 per day for each day that such refusal or violation continues, is hereby levied pursuant to the provisions of Section 14.2 of the Rules and Regulations of the St. Johns County, Florida Utility Authority, which penalty shall be a lien upon the real and personal property of Intercoastal Utilities, Inc.

4. At such time as a test year and base year are established pursuant to the current request of Intercoastal Utilities, Inc., Intercoastal Utilities, Inc. is directed to furnish all data as requested no later than fourteen (14) days following the date of such establishment.

5. In the event that Intercoastal Utilities, Inc. does not comply with the provisions hereof within the time specified in Paragraph 4, hereof, a penalty of \$500.00 per day for each day that such refusal or violation continues, is hereby levied pursuant to the provisions of Section 14.2 of the Rules and Regulations of the St. Johns County, Florida Utility Authority, which penalty shall be a lien

upon the real and personal property of Intercoastal Utilities, Inc.

DATED this 10th day of October, 2000.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Indira M. Hamilton
Deputy Clerk

No. 2, 10/11/00