

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Century) DOCKET NO. 940292-WU
Estates Utilities, Inc. for) ORDER NO. PSC-95-0187-FOF-WU
Certificate to Provide Water) ISSUED: February 8, 1995
Service in Lake County.)
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_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING CERTIFICATE, REQUIRING CENTURY ESTATES UTILITIES, INC. TO FILE AN ANNUAL REPORT AND PAY REGULATORY ASSESSMENT FEES FOR 1994, ACCEPTING \$150.00 FILING FEE AND REFUNDING ADDITIONAL \$50.00, ESTABLISHING RATES AND CHARGES, AND CLOSING DOCKET

BY THE COMMISSION:

Background

On March 25, 1994, Century Estates Utilities, Inc. (Century or utility) filed an application with this Commission for an original certificate pursuant to Section 367.045, Florida Statutes. Century has been in existence since April 25, 1977, and serves approximately 84 customers.

The Commission first became aware of Century's existence in 1991 as a result of a survey conducted by the Commission Staff. Century filed a completed Jurisdictional Information Form with the Commission on April 29, 1991. We again became aware of Century on February 1, 1994, as a result of a complaint filed by a customer about bills from the utility. Upon receipt of the complaint, the Commission Staff contacted Mr. Joseph Linartas, the owner, and determined that the system had been in existence since 1977.

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FPSC-RECORDS/REPORTING

According to the information provided by Mr. Linartas, the development had very few houses for many years and water service was provided at no charge. Due to an increase in the number of customers and rising operating costs, the utility began charging for service about ten years ago. The appropriateness of the rates and charges is addressed in the body of this order.

Our investigation into the complaint revealed that Century attempted to comply with Commission Rules and Regulations in 1991 at our direction by filing a Jurisdictional Information Form. Mr. Linartas indicated he was unsure if Century was subject to Commission Regulation since he heard nothing from us after he filed the Form in April of 1991.

Although Century has been operating without a certificate since 1977, it appears that Century made a good faith effort to comply with Commission Rules and Regulations in 1991. Therefore, we do not find it appropriate to initiate a show cause proceeding against the utility for operating without a certificate.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contained a filing fee in the amount of \$150.00, which was the correct filing fee required by Rule 25-30.020, Florida Administrative Code, in 1991. The appropriateness of the filing fee will be discussed in a separate portion of this Order.

Century provided evidence that it owns the land upon which its facilities are located, in accordance with Rule 25-30.034(1)(e), Florida Administrative Code. The utility has also provided adequate service territory and system maps and a territory description provided in accordance with Rule 25-30.034(1)(h), (i) and (j), Florida Administrative Code. The territory the utility has requested to serve is described in Attachment A of this Order, which by reference is incorporated herein.

Century provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to its customers. No objections to the application have been received and the time for filing such has expired.

Upon our review of the information provided with the application, we find that Century has the technical and financial ability to continue to provide service to the territory. In

addition, according to the Department of Environmental Protection, there are no outstanding notices of violation against the utility.

Based on the foregoing, we find that it is in the public interest to grant Century Certificate No. 564-W. The territory which Century is authorized to serve is described in Attachment A of this order.

Filing Fee

As stated previously, this Commission first became aware of Century's existence as a result of a survey. By letter dated August 20, 1990, Mr. Linartas was advised that Century's system might be subject to Commission Regulation. A Jurisdictional Information Form was provided with the letter. The letter also stated that upon receipt of the completed form, we would determine if Century was exempt from Commission regulation. Century completed the form on April 29, 1991, and returned it to the Commission. No further action was taken by the Commission at that time.

The Commission again became aware of the existence of Century on February 1, 1994, as a result of a customer complaint received by the Division of Consumer Affairs. Upon contacting Century regarding the complaint, it was determined that the utility had been in operation since 1977 without a certificate. Mr. Linartas, the owner, was advised that Century was subject to the requirements of Chapter 367, Florida Statutes, and the Florida Administrative Code.

On March 25, 1994, Century filed an application for an original certificate to provide water service in Lake County. The application contained a filing fee in the amount of \$150.00, which was the correct filing fee required by Rule 25-30.020, Florida Administrative Code, in effect until November of 1993. At that time, the rules were changed, and the correct filing fee at the time the application was filed in 1994 was \$750.00.

The Commission Staff contacted Mr. Linartas and advised him that the correct filing fee was \$750.00 and that he owed an additional \$600.00. In his response, Mr. Linartas provided an additional \$50.00 and requested to be exempt from the \$750.00 filing fee. Mr. Linartas indicated that the additional \$600.00 would put a burden on the utility. He also stated that he attempted to comply with Commission rules and regulation in 1991 by completing the Jurisdictional Information Form on April 29, 1991 and forwarding it to the Commission.

From our review of the files and the information provided by Mr. Linartas, it appears that Century attempted to comply with the requirements set forth in the Commission Staff's letter dated August 20, 1990. Had the Commission responded to Century upon receipt of the completed Jurisdictional Information Form, Century's application would have been processed in 1991 and 1992. The correct filing fee in effect at that time was \$150.00. Therefore, we find it appropriate to accept the \$150.00 fee filed with the application. Accordingly, the additional \$50.00 paid by Century shall be refunded.

Rates and Charges

According to information provided by Mr. Linartas, the development which it serves had very few houses for many years and water service was provided at no charge. Due to an increase in the number of customers and rising operating costs, the utility began charging for service about ten years ago. The rate was determined by contacting other utilities and determining the average rate charged. Century believed that the average rate charged by the other utilities would be a reasonable rate to charge its customers.

The rates and charges currently being charged by Century are set forth below. We find these rates and charges to be reasonable and they are, therefore, approved.

Residential Service

(Bi-Monthly Rates)

Minimum Charge (Includes 6,000 Gallons)	\$ 15.00
Gallonage Charge (Per 1,000 Gallons Over the Minimum Gallons Allowed)	\$ 1.10

General Service

(Bi-Monthly Rates)

Minimum Charge (Includes 6,000 Gallons)	\$ 15.00
Gallonage Charge (Per 1,000 Gallons Over the Minimum Gallons Allowed)	\$ 1.10

Miscellaneous Service Charges

Initial Connection Fee	\$ 15.00
Normal Reconnection Fee	\$ 15.00
Violation Reconnection Fee	\$ 15.00
Premises Visit (In lieu of disconnection)	\$ 10.00

Meter Test Deposits

<u>Meter Size</u>	<u>Fee</u>
5/8" x 3/4"	\$ 20.00
1" and 1 1/2"	\$ 25.00
2" and over	Actual Cost

Customer Deposits

Residential (5/8" x 3/4")	\$ 30.00
General Service (5/8" x 3/4")	\$ 30.00

Service Availability Charges

Backflow Preventer Installation Fee	\$ 150.00
Customer Connection (Tap-in) Charge	\$ 250.00
Meter Installation Fee	\$ 200.00

Century shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. The utility has filed a tariff which reflects the rates approved herein. The rates and charges shall be effective for service rendered and/or connections made on or after the stamped approval date on the tariff sheets.

Regulatory Assessment Fees

Pursuant to Rules 25-30.110(3) and 25-30.120(2), Florida Administrative Code, utilities are required to file annual reports and pay regulatory assessment fees regardless of whether a certificate has been granted. Century has been in operation subject to Commission regulation since 1977, although we were not aware of its existence. On February 24, 1994, Century was advised of the Commission's jurisdiction and its responsibility to obtain a certificate. Therefore, we find it appropriate to require Century to file a 1994 annual report and pay regulatory assessment fees for 1994 by March 31, 1995.

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It is, therefore,

ORDERED by the Florida Public Service Commission that Century Estates Utilities, Inc., 2301 Centennial Boulevard, Leesburg, Florida 34748, is hereby granted Certificate No. 564-W to provide water service to the territory described in Attachment A of this Order. It is further

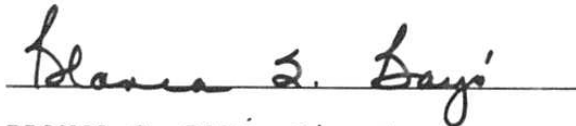
ORDERED that Century Estates Utilities, Inc.'s filing fee in the amount of \$150.00 is hereby accepted. The additional \$50.00 paid by the utility shall be refunded to Century Estates Utilities, Inc. It is further

ORDERED that Century Estates Utilities, Inc., shall charge the rates and charges approved in the body of this Order until authorized to change by this Commission in a subsequent proceeding. The rates and charges shall be effective for service rendered and/or connections made on or after the stamped approval date on the tariff sheets. It is further

ORDERED that Century Estates Utilities, Inc., shall file a 1994 annual report and pay regulatory assessment fees for 1994 by March 31, 1995. It is further

ORDERED that Docket No. 940292-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 8th day of February, 1995.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater 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 after the issuance 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.

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ATTACHMENT A

Century Estates Utilities, Inc.

Territory Description

The following described lands located in Section 16, Township 19 South, Range 24 East, Lake County, Florida:

Southeast 1/4 of the Northwest 1/4.