

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 941340-WU
certificate to provide water) ORDER NO. PSC-95-0613-FOF-WU
service in Charlotte County) ISSUED: May 22, 1995
under grandfather rights by)
FIVELAND INVESTMENTS, INC.)
_____)

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 GRANDFATHER CERTIFICATE, APPROVING
RATES AND CHARGES, AND CLOSING DOCKET

BY THE COMMISSION:

Background

Pursuant to Section 367.171, Florida Statutes, on September 27, 1994, the Board of County Commissioners of Charlotte County (County) adopted a resolution giving this Commission jurisdiction over privately owned water and wastewater utilities in Charlotte County. By Order No. PSC-94-1451-FOF-WS, issued November 28, 1994, we acknowledged the County's resolution. On December 29, 1994, Fiveland Investments, Inc., (Fiveland) filed an application for a grandfather certificate. Fiveland is a class B utility providing water service to 229 residential customers, 386 multi-family customers and 35 general service customers in Charlotte County. Fiveland's 1994 annual operating revenue was \$359,079.

Application

Fiveland has complied with Section 367.171, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for a grandfather certificate. Fiveland's application contains a \$1,000 check, which is the correct filing fee, pursuant to Rule 25-30.020, Florida Administrative Code. Fiveland has provided evidence that it owns the land upon which the utility's facilities are located pursuant to Rule 25-30.035(6), Florida Administrative Code. Fiveland has also provided adequate service

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FFSC-RECORDS/REPORTING

territory, system maps and a territory description pursuant to Rules 25-30.035(9), (10), and (11), Florida Administrative Code. The territory description has been appended as Attachment A. According to the Department of Environmental Protection (DEP), Fiveland is operating in accordance with DEP's requirements. However, several customers of Fiveland have filed suit against Fiveland in the Twelfth Judicial Circuit for damages caused by its corrosive water. The case is still pending, and we are monitoring the situation.

Based on the foregoing, we find it appropriate to grant Fiveland a grandfather certificate. Accordingly, Fiveland is granted Water Certificate No. 571-W to serve the territory described in Attachment A, which by reference is incorporated herein.

Rates and Charges

The following are Fiveland's current water rates and charges.

Monthly Service Rates

Residential Service

Base Facility Charge: \$16.42 (all meter sizes)
Gallonge Charge: \$5.69 per 1,000 gallons

Multi-Residential Service

Base Facility Charge:

Meter Size

5/8" x 3/4"	\$ 16.42
1"	\$ 41.05
1 1/2"	\$ 82.10
2"	\$131.36
3"	\$246.30
4"	\$410.50
6"	\$821.00

Gallonge Charge: \$ 5.69 per 1,000 gallons

Multi-Residential Service:

Christian City

Base Facility Charge: \$1,658.42 (3" meter)
Gallonge Charge: \$5.69 per 1,000 gallons

General Service

Base Facility Charge:

Meter Size

5/8" x 3/4"	\$ 16.42
1"	\$ 41.05
1 1/2"	\$ 82.10
2"	\$131.36
3"	\$246.30
4"	\$410.50
6"	\$821.00

Gallage Charge: \$ 5.69 per 1,000 gallons

General Service:
Garfield's Restaurant

Base Facility Charge: \$246.30 (1 1/2" meter)
Gallage Charge: \$5.69 per 1,000 gallons

Miscellaneous Service Charges

Customer Deposits:

	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	\$ 16.42	
1"	\$ 41.05	
1 1/2"	\$ 82.10	
2"	\$131.36	
3"	\$246.30	
4"	\$410.50	
6"	\$821.00	

Meter Test Deposits:

Meter Size

5/8" x 3/4"	\$ 10.00
1" and 1 1/2"	\$ 12.50
2"	\$ 15.00
Over 2" Meter	Actual Cost

Service Availability Charges

Meter Installation:

5/8" x 3/4"	\$200.00
1"	\$235.00
1 1/2"	\$300.00
2"	\$375.00
Over 2" Meter	Actual Cost

Plant Capacity Charge:

Residential - per ERC (250 GPD) \$1,100.00

We find that these rates and charges are reasonable, and they are approved. Fiveland shall charge these rates and charges until we authorize a change in a subsequent proceeding. Fiveland has filed a tariff reflecting the above rates and charges. The effective date of rates and charges shall be the stamped approval date of the tariff.

Regulatory Assessment Fees

Rule 25-30.110(3), Florida Administrative Code, states that the obligation to file an annual report for any year shall apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate. Rule 25-30.120(2), Florida Administrative Code, states that the obligation to remit the regulatory assessment fees for any year shall apply to any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has actually applied for or been issued a certificate. As previously stated, we have had jurisdiction over Fiveland since September 27, 1994. Accordingly, Fiveland shall have 45 days, following the issuance date of this Order, to file the annual report and pay its regulatory assessment fees. Since no further action is required in this docket, this docket shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Fiveland Investments, Inc., 5550 26th Street West, Suite 6, Bradenton, Florida 34207, is hereby granted Water Certificate No. 571-W to serve the territory described in Attachment A of this Order. It is further

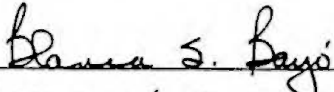
ORDERED that Fiveland Investments, Inc., shall charge its customers the rates and charges approved herein until authorized to change by this Commission. It is further

ORDERED that the tariff sheets filed by Fiveland Investments, Inc., reflecting these rates and charges shall be effective on the stamped approval date on the tariff sheets. It is further

ORDERED that Fiveland Investments, Inc., shall remit regulatory assessment fees for 1994 and file a 1994 annual report within 45 days of the date of this Order. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 22nd day of May, 1995.



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.

ATTACHMENT A

Fiveland Investments, Inc.

TERRITORY DESCRIPTION

Township 41 South, Range 20 East, Charlotte County, Florida.

Section 21

All that portion of the Southwest 1/4 of said Section 21 lying South of Buck Creek and East of Lemon Bay AND that portion of the Southwest 1/4 of the Southeast 1/4 lying South of Buck Creek and West of State Road 775 as it is now constructed.

Section 27

The West 2400 feet more or less of said Section 27.

Section 28

All that portion of said Section 28 lying East of Lemon Bay.

Section 33

All that portion of said Section 33 lying East of Lemon Bay.

Section 34

The West 2400 feet more or less of said Section 34.

Township 42 South, Range 20 East, Charlotte County, Florida.

Section 3

All that portion of the Northwest 1/4 of said Section 3 lying East of Lemon Bay and North and West of an existing canal.