

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for . ) DOCKET NO. 961109-WU  
Grandfather Certificate to ) ORDER NO. PSC-97-0513-FOF-WU  
Operate a Water Utility in Polk ) ISSUED: May 5, 1997  
County by Alturas Water Works. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING GRANDFATHER CERTIFICATE

BY THE COMMISSION:

Background

On September 16, 1996, Alturas Water Works (Alturas or utility) filed an application for a grandfather certificate to provide water service in Polk County, pursuant to Section 367.171, Florida Statutes. The application was filed after the Board of County Commissioners of Polk County adopted a resolution on May 14, 1996, which made the utilities in the County subject to the provisions of Chapter 367, Florida Statutes.

Alturas has been in existence since 1928. The utility currently provides water service to 53 residential customers and 4 general service customers.

Application

Except as discussed herein, the application is in compliance with Section 367.171, Florida Statutes. In particular, the application contains a filing fee in the amount of \$100, pursuant to Rule 25-30.020, Florida Administrative Code. Alturas provided adequate service territory and system maps and a territory description, as prescribed by Rules 25-30.035(9), (10), and (11), Florida Administrative Code. A description of the territory Alturas has requested to serve is shown on Attachment A of this Order, which by reference is incorporated herein.

DOCUMENT NUMBER-DATE

04412 MAY-96

FPSC-RECORDS/REPORTING

Rule 25-30.035(6), Florida Administrative Code, requires a utility to provide proof that it owns the land or has continued use of the land upon which its facilities are located. The warranty deed provided with the application is not in the name of the utility. Therefore, Alturas shall provide a copy of a recorded warranty deed in the name of the utility within 60 days of the date of this Order.

As stated previously, Alturas has been in existence providing satisfactory water service to its customers since 1928. According to the Department of Environmental Protection, there are no outstanding notices of violation against the utility.

In view of the foregoing, we find it appropriate to grant Alturas Certificate No. 591-W in Polk County to serve the territory described on Attachment A of this Order.

Rates and Charges

Alturas' current rates and charges were never approved by Polk County because the system was exempt from Polk County's regulation. According to the application, the rates compare with water rates of other systems in Polk County. The utility's rates and charges are set forth below.

Monthly Water Rates

Residential Service

Minimum Charge (First 3,000 Gallons)	\$13.50
Gallage Charge (Per 1,000 Gallons over 3,000 Gallons)	\$ 1.00

General Service

Minimum Charge (First 3,000 Gallons)	\$13.50
Gallage Charge (Per 1,000 Gallons over 3,000 Gallons)	\$ 1.00

<u>Customer Deposits</u>		
<u>Meter Size</u>	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	\$35.00	\$35.00
1"	\$35.00	\$35.00
1-1/2"	\$35.00	\$35.00
Over 2"	\$35.00	\$35.00

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

<u>Miscellaneous Service Charges</u>	
Initial Connection Fee	\$15.00
Normal Reconnection Fee	\$15.00
Violation Reconnection Fee	\$15.00
Premises Visit Fee	\$15.00

We find these rates and charges to be reasonable and they are approved. Alturas shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. Alturas has filed a tariff reflecting the rates and charges approved herein. The tariff shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.

#### Regulatory Assessment Fees and Annual Report

Pursuant to Rule 25-30.120(2), Florida Administrative Code, "any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or applied for or has been issued a certificate" is required to pay regulatory assessments fees by March 31, 1997. Additionally, Rule 25-30.110(3), Florida Administrative Code, states that "[t]he 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 has been issued a certificate." Therefore, Alturas shall remit regulatory assessment fees and file an annual report from the jurisdictional date, May 14, 1996, in accordance with Rules 25-30.110 and 25-30.120, Florida Administrative Code.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alturas Water Works, 2565 Oak Drive, Post Office Box 257, Alturas, Florida 33820, is hereby granted Certificate No. 591-W in Polk County to serve the territory shown on Attachment A of this Order. It is further

ORDERED that Alturas Water Works shall file a copy of a recorded warranty deed in the name of the utility for the land upon which utility's facilities are located within 60 days of the date of this Order. It is further

ORDERED that Alturas Water Works shall charge the rates and charges approved in the body of this Order until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that the tariff, reflecting the rates and charges approved herein, shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets. It is further

ORDERED that Alturas Water Works shall pay regulatory assessment fees and file an Annual Report from the jurisdictional date, May 14, 1996, in accordance with Rules 25-30.110 and 25-30.120, Florida Administrative Code. It is further

ORDERED that Docket No. 961109-WU shall remain open pending receipt of the recorded warranty deed required by this Order. Upon receipt of the warranty deed, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of May, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

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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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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

Alturas Water Works

Territory Description (Water)

Township 30 South, Range 26 East

In Section 16

The Northeast 1/4 less the Northwest 1/4 of the Northeast 1/4 and less the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 and less Star Lake.

The Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4.

The North 480 feet of the Southeast 1/4.

The East 672 feet of the Southeast 1/4 less the South 672 feet.