

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
grandfather certificates to
provide water and wastewater
service in Polk County by Lake
Haven Utility Association, Ltd.
d/b/a Lake Wales Utility Co.,
Ltd.

DOCKET NO. 961485-WS
ORDER NO. PSC-97-0567-FOF-WS
ISSUED: May 20, 1997

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 CERTIFICATES, SETTING
RATES AND CHARGES, REQUIRING FILING OF 1996 ANNUAL
REPORT AND PAYMENT OF 1996 REGULATORY ASSESSMENT
FEES, AND CLOSING DOCKET

BY THE COMMISSION:

On December 16, 1996, Lake Haven Utility Associates, Ltd.
d/b/a Lakes Wales Utility Company (Lake Wales or utility) filed an
application for grandfather certificates to provide water and
wastewater 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 Section 367, Florida Statutes.

Lake Wales has been in existence providing water and
wastewater service to its customers in Polk County since 1962.
Lake Wales currently provides water service to 84 residential
customers and 49 general service customers. The utility also
provides wastewater service to 84 residential customers and 27
general service customers.

DOCUMENT NUMBER-DATE

05028 MAY 20 97

FPSC-RECORDS/REPORTING

Application

The application is in compliance with Section 367.171, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$1,000, in accordance with Rule 25-30.020, Florida Administrative Code.

Lake Wales is a limited partnership, which pursuant to Section 620.108(1), Florida Statutes, must be registered with the Department of State. That Section states, in part, "[i]n order to form a limited partnership, a certificate of limited partnership must be executed and filed with the Department of State." According to the Department of State, the partnership is registered as Lake Haven Utility Associates, Ltd., without a d/b/a. Therefore, Lake Wales shall register with the Department of State and provide this Commission with proof of such registration within 30 days of the date of this Order.

Rule 25-30.035(6), Florida Administrative Code, requires a utility to provide proof that it owns the land upon which its facilities are located. The warranty deed submitted with the application was not in the name of the utility. Therefore, Lake Wales shall provide a copy of a recorded warranty deed in the name of the utility within 90 days of the date of this Order.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.035(9), (10), and (11), Florida Administrative Code. The territory which Lake Wales has requested to serve is shown on Attachment A of this Order, which by reference is incorporated herein.

Based on the foregoing, we find it appropriate to grant Lake Wales Certificates Nos. 590-W and 508-S to serve the territory shown on Attachment A of this Order.

Rates and Charges

Lakes Wales' current rates and charges were approved by Polk County on July 2, 1996. Those rates and charges are set forth below:

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WATER
(Monthly Rates)
General Service

<u>Base Facility Charge</u> <u>Meter Size:</u>	<u>Amount</u>
3/4"	\$ 17.50
1"	\$ 43.73
1-1/2"	\$ 87.44
2"	\$139.90
3"	\$279.80

<u>Consumption Rate</u>	
Per 1,000 Gallons	\$ 0.98

Residential Service

<u>Base Facility Charge</u> <u>Meter Size:</u>	<u>Amount</u>
All Service (includes 5,000 Gallons	\$ 6.82

<u>Consumption Rate</u>	
Per 1,000 Gallons in excess of 5,000 gallons	\$ 0.98

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WASTEWATER
(Monthly Rates)

General Service

Base Facility Charge

<u>Meter Size:</u>	<u>Amount</u>
3/4"	\$ 22.99
1"	\$ 57.49
1-1/2"	\$114.97
2"	\$183.95
3"	\$367.91

Consumption Rate

Per 1,000 Gallons \$ 1.52

Residential Service

Base Facility Charge

<u>Meter Size:</u>	<u>Amount</u>
All Service	\$ 11.97

(No consumption charge)

Meter Test Charges

<u>Meter Size:</u>	<u>Amount</u>
5/8" x 3/4"	\$ 20.00
1" and 1-1/2"	\$ 25.00
2" and greater	Actual Cost

Miscellaneous Service Charges

Initial Connection	\$ 15.00
Normal Reconnection	\$ 15.00
Violation Reconnection	\$ 15.00
Premises Visit	\$ 10.00

Service Availability Charges

Service Line Extension & Tap	Actual Cost
Meter Installation Charge (5/8" x 3/4" Meter)	\$ 65.00
Meter Installation Charge (over 5/8" x 3/4" Meter)	Actual Cost

We find these rates and charges to be reasonable and they are approved. Lake Wales shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. It should be noted that Lakes Wales does not collect nor is authorized to collect a customer deposit. Lake Wales has filed a tariff which reflects the rates and charges approved in this Order. 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 25-30.110(3), Florida Administrative Code, "[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." Additionally, Rule 25-30.120(2), Florida Administrative Code, states "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 has been issued a certificate" is required to pay regulatory assessment fees. Therefore, Lake Wales shall pay regulatory assessment fees for 1996 and file a 1996 annual report from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Company, Post Office Box 9076, Fedhaven, Florida 33854, is hereby granted Certificates Nos. 590-W and 508-S to serve the territory described in Attachment A of this Order. It is further

ORDERED that Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Company shall register the limited partnership with the Department of State in accordance with Section 620.108(1), Florida Statutes, within 30 days of the date of this Order. It is further

ORDERED that Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Company shall provide a copy of a recorded warranty deed in the name of the utility, as set forth herein, as evidence that it owns the land upon which its facilities are located, within 90 days of the date of this Order. It is further

ORDERED that the rates and charges set forth in the body of this Order are hereby approved. Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Company shall continue to charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Company's tariff, which reflects 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 Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Company shall pay regulatory assessment fees for 1996 and file a 1996 Annual Report from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order. It is further

ORDERED that Docket No. 961485-WS is hereby closed.

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By ORDER of the Florida Public Service Commission, this 20th
day of May, 1997.



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 120.569(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

LAKE HAVEN UTILITY ASSOCIATES, LTD.
d/b/a LAKE WALES UTILITY COMPANY

Description of Territory Served

All lands lying within the following perimeter boundary lines:

All of that portion of Section 16, Township 30 South, Range 29 East, lying South of State Road 60 (formerly called New State Road 79);

All of Section 21, Township 30 South, Range 29 East;

That portion of Section 9, Township 30 South, Range 29 East, lying South of State Road 60 (formerly called New State Road 79) and West of Walk In the Water Creek (also known as Weohyakapka Creek);

That portion of Section 15, Township 30 South, Range 29 East, lying South of State Road 60 (formerly called New State Road 79) and West of Walk In the Water Creek (also known as Weohyakapka Creek);

All of that portion of Section 22, Township 30 South, Range 29 East, lying West of Walk In the Water Creek (also know as Weohyakapka Creek);

All of that portion of Section 27, Township 30 South, Range 29 East, lying West of Walk In the Water Creek (also known as Weohyakapka Creek).