

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 590-W and 508-S to extend water and wastewater service areas to include certain land in Polk County by Gold Coast Utility Corp.

DOCKET NO. 060166-WS  
ORDER NO. PSC-06-0770-FOF-WS  
ISSUED: September 18, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

FINAL ORDER AMENDING CERTIFICATE NOS. 590-W AND 508-S  
TO INCLUDE ADDITIONAL TERRITORY IN POLK COUNTY

BY THE COMMISSION:

Background

On February 27, 2006, Gold Coast Utility Corp. (Gold Coast or utility) filed an application to amend its water and wastewater certificates, pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code. Gold Coast is a Class B water and wastewater utility company serving 167 water and wastewater customers in Polk County. The utility was issued certificates in 1997 (to the former owner, Lake Wales Utility Co., Ltd).<sup>1</sup> The utility's 2005 annual report lists \$140,385 in water revenue and \$214,728 in wastewater revenue, with a total net loss of \$111,979.

The amendment would allow Gold Coast to provide water and wastewater service for up to 62 single family homes by adding the territory described in Attachment A to its certificates. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

Amendment

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and administrative rules concerning an application for amendment of certificate. The application contains proof of compliance with the noticing provisions set forth in Rule 25-

<sup>1</sup> Order No. PSC-97-0567-FOF-WS, issued May 20, 1997, in Docket No. 961485-WS, 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.

DOCUMENT NUMBER-DATE

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30.030, Florida Administrative Code. Notice was provided to property owners. No objections to the notice were received, and the time for filing objections has expired.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), Florida Administrative Code. The utility has proposed a developer agreement for provision of water and wastewater service in the new area, which will provide service to single family homes on large lots, as well as some commercial development fronting on State Road 60. On-site lines for the development will be constructed by and at the cost of the developer, and then deeded to the utility company. The developer is marketing the property now, and it may either be sold or developed by the landowners themselves. All of the land encompassed by this amendment application is owned by one family.

The current water and wastewater plants are adequate to provide service to the new development, although some plant improvements are being planned. Contributions-in-Aid-of-Construction (CIAC) levels are commensurate with plants that are reaching capacity. The utility indicates that the wastewater plant will be expanded and upgraded to provide for reuse. There are no outstanding notices of violation or consent orders with the Department of Environmental Protection.

The utility owner has demonstrated that he is sufficiently experienced and has the financial and technical ability to provide service to the area requested. There are no complaints pending in the Division of Regulatory Compliance and Consumer Assistance.

The Department of Community Affairs (DCA) has stated that the project is inconsistent with Polk County's Comprehensive Plan, and promotes urban sprawl in the area requested for amendment. DCA stated that no data or analysis was shown to demonstrate that the proposed service area expansion was needed to meet approved development or projected growth demands. In the absence of a showing, DCA concluded that the expanded service area will promote urban sprawl. DCA further suggested that Gold Coast (or the developer) should coordinate with the Polk County Growth Management Department to resolve the urban sprawl issues, and cited Rule 9J-5.006(5)(j), Florida Administrative Code, which discusses development controls that can be used to address urban sprawl issues.

In reviewing these comments from the DCA, it is clear that Polk County can control urban sprawl through zoning ordinances and building permit reviews. Section 367.045(5)(b), Florida Statutes, states that this Commission does not need to consider whether an amendment is consistent with a local comprehensive plan, unless a timely objection has been made. No timely objections were filed. Further, when an objection is filed, the Commission must consider, but is not bound by the local comprehensive plan.

Based upon the above information, we find that it is in the public interest that the utility's application be granted and the land described in Attachment A be added to the water and wastewater certificated territory of Gold Coast Utility Corp. The resultant order shall serve as Gold Coast's water and wastewater certificates and shall be retained by the utility. Gold Coast

shall charge the customers in the added territory the same rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gold Coast Utility Corp.'s application for amendment of Certificate Nos. 590-W and 508-S is hereby approved as set forth in the body of this order. It is further

ORDERED that all attachments attached hereto are incorporated herein by reference. It is further

ORDERED that Gold Coast Utility Corp. shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized a change by this Commission in a subsequent proceeding. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 18th day of September, 2006.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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

AMENDMENT TO WATER AND WASTEWATER SERVICE TERRITORY FOR GOLD  
COAST UTILITY CORP. IN POLK COUNTY

IN TOWNSHIP 30 SOUTH, RANGE 29 EAST:

Section 8 – the South half of said Section 8, located south of State Road No. 60.

Section 17 – the East 4,840 feet of the North half of said Section 17.

**FLORIDA PUBLIC SERVICE COMMISSION**

Authorizes

**Gold Coast Utility Corp.**  
pursuant to  
**Certificate Number 590-W**

to provide water service in Polk County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-97-0567-FOF-WS	05-20-1997	961485-WS	Grandfather Certificate
PSC-06-0331-PAA-WS	04-24-2006	050902-WS	Transfer
PSC-06-0770-FOF-WS	09-18-2006	060166-WS	Amendment

**FLORIDA PUBLIC SERVICE COMMISSION**

authorizes

**Gold Coast Utility Corp.**  
pursuant to  
**Certificate Number 508-S**

to provide wastewater service in Polk County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
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