

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of the Board of County
Commissioners of Charlotte County declaring
Charlotte County subject to the provisions of
367, F.S.

DOCKET NO. 130049-WS
ORDER NO. PSC-13-0127-FOF-WS
ISSUED: March 14, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER ACKNOWLEDGING RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS DECLARING PRIVATELY-OWNED WATER
AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY SUBJECT
TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

Background

On February 12, 2013, the Board of County Commissioners of Charlotte County (County) passed and adopted Resolution No. 2013-003 (Resolution), transferring regulation of the privately owned for profit water and wastewater utilities in the County to the Florida Public Service Commission (Commission). Effective upon the adoption of the resolution, all non-exempt water and wastewater systems in the County became subject to the provisions of Chapter 367, Florida Statutes (F.S.). Therefore, the effective date of the transfer of jurisdiction is February 12, 2013. This order addresses the acknowledgement of that resolution. We have jurisdiction pursuant to Section 367.171, F.S. This is the second time the County invoked our jurisdiction over private water and wastewater utilities. The first was on September 27, 1994.¹ On September 25, 2007, the County adopted a resolution which rescinded our jurisdiction.²

¹ See Order No. PSC-94-1451-FOF-WS, issued November 28, 1994, Docket No. 941044-WS, In re: Resolution of Board Of Commissioners of Charlotte County Declaring Charlotte County subject to provisions of Chapter 367, Florida Statute.

² See Order No. PSC-07-0984-FOF-WS, issued December 10, 2007, Docket No. 07643-WS, In re: Resolution No. 2007-143 by Charlotte County Board of Commissioners, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over private water and wastewater systems in Charlotte County.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Decision

On February 12, 2013, the Board of County Commissioners of Charlotte County adopted Resolution No. 2013-003, which transfers jurisdiction over the County's privately-owned water and wastewater utilities to this Commission. Pursuant to Section 367.171(2)(a), F.S., each privately-owned and operated utility in Charlotte County is required to register with this Commission within thirty (30) days of the date we received jurisdiction, or by March 14, 2013. All utilities must obtain either a certificate of authorization from this Commission, pursuant to Section 367.031, F.S., or must be exempt from our regulation.

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system is entitled to receive a grandfather certificate for the area served by the utility. Within 90 days after, or by May 13, 2013, each utility is required to make application for a grandfather certificate by filing an application with this Commission. In addition, since it is subject to Chapter 367, F.S., each utility must continue to collect the rates and charges for water and wastewater service which were being collected on February 12, 2013, until changed by us.

Commission staff has contacted the County Attorney for a list of the privately-owned water and wastewater utilities which were regulated by Charlotte County on February 12, 2013, along with available information on each utility's current rates, charges, and territory served. Our staff has also contacted the Florida Department of Environment Protection (FDEP) to advise it of the Resolution, and to obtain a list of all privately-owned water and wastewater facilities in Charlotte County which FDEP monitors for environmental compliance. The utilities identified by the County and FDEP will receive a letter from Commission staff advising them of the transfer of jurisdiction and providing them with information to determine whether or not they are exempt from our regulation pursuant to Section 367.022, F.S.

Entities which are not exempt from Commission regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets. These applicants will also be advised of their responsibility to file an annual report for 2013, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit annual regulatory assessment fees (RAFs) effective the date a certificate is issued pursuant to Rule 25-30.120, F.A.C. The applicants will also be advised of their right to file for a pass-through of RAFs, should they not be currently collecting RAFs, or if they are collecting a lesser amount than they would be paying this Commission.

We hereby acknowledge Resolution No. 2013-003 by the County Commissioners of Charlotte County, effective February 12, 2013. All non-exempt, privately-owned water and wastewater utilities in Charlotte County are directed to comply with the provisions of Chapter 367, F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. 2013-003 by the County Commissioners of Charlotte County is hereby acknowledged, effective February 12, 2013. It is further

ORDERED that all non-exempt, privately-owned water and wastewater utilities in Charlotte County shall comply with the provisions of Chapter 367, Florida Statutes. It is further

ORDERED that since there are no pending issues in this docket, the docket shall be closed upon the issuance of this Order.

By ORDER of the Florida Public Service Commission this 14th day of March, 2013.



HONG WANG
Chief Deputy Commission Clerk
Florida Public Service Commission
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Tallahassee, Florida 32399
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

JSC

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.