

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for grandfather certificate to  
operate water utility in Charlotte County by  
NHC Utilities, Inc.

DOCKET NO. 130149-WU  
ORDER NO. PSC-13-0442-FOF-WU  
ISSUED: September 30, 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 GRANTING GRANDFATHER CERTIFICATE TO  
NHC UTILITIES, INC. TO PROVIDE WATER SERVICES IN CHARLOTTE COUNTY

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.). We acknowledged the Resolution on March 14, 2013.<sup>1</sup>

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system shall be entitled to receive a certificate for the area served by such utility on the day the chapter becomes applicable to the utility. On May 23, 2013, NHC Utilities, Inc. (NHC or Utility) filed an application for a certificate under grandfather rights to provide water service in Charlotte County pursuant to Section 367.171(2)(b), F.S. and Rule 25-30.035, Florida Administrative Code (F.A.C.). The areas served are known as Harbor Lakes and Stonebridge.

The NHC system has been in existence since 1985 and currently serves 330 residential customers and 4 general service customers. The Utility's service area is located in the Southern Water Use Caution Area under the Southwest Florida Water Management District.

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<sup>1</sup> See Order No. PSC-13-0127-FOF-WS, issued March 14, 2013, Docket No. 130049-WS, In re: Resolution of the Board of County Commissioners of Charlotte County declaring Charlotte County subject to the provisions of 367, F.S.

Analysis and Ruling

The Utility's application for a certificate under grandfather rights to provide water service in Charlotte County is in compliance with Section 367.171(2)(b), F.S., and Rule 25-30.035, F.A.C. An accurate territory description and adequate service territory and system maps were provided. As the Utility does not own treatment facilities, it was not necessary for the application to contain a warranty deed as proof of ownership of the land on which the utility facilities are located as required by rule. A description of the Utility's territory is described in Attachment A.

The Utility has been in existence since 1985 and currently serves potable water service to 330 residential customers and 4 general service customers. The Utility purchases bulk water service from Charlotte County Utilities. Wastewater service in the area is handled by the Riverwood Community Development District, a utility not under our jurisdiction. The Utility reported that there are no material customer service issues. The Utility is aware of the requirement to submit an annual report for 2013 pursuant to Rule 25-30.110, F.A.C., and remit to the Commission regulatory assessment fees effective February 12, 2013, pursuant to Rule 25-30.120, F.A.C. In addition, the Utility is aware that it must maintain its books and records according to the National Association of Regulatory Commissioners' Uniform System of Accounts.

Based on the above, we hereby grant NHC Certificate No. 663-W to serve the territory described in Attachment A. This order shall serve as NHC's certificate and shall be retained by the Utility.

Rates and Charges

According to the Utility's application, Charlotte County approved the rates and charges that are shown on Schedule No. 1. The rates include a base facility charge and uniform gallonage charge for water service, miscellaneous service charges, late fees, and service availability charges.

We hereby approve the Utility's rates and charges that were in effect when Charlotte County transferred jurisdiction to the Commission as stated on Schedule No. 1. The rates and charges shall be effective for services rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. NHC shall be required to charge the approved rates and charges until authorized to change them by this Commission in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that NHC Utilities, Inc.'s application for a grandfather certificate to provide water services in Charlotte County is hereby approved. It is further

ORDERED that the Utility shall be issued Certificate No. 663-W, effective February 12, 2013, to serve the territory described in Attachment A. This order shall serve as NHC Utilities, Inc.'s water certificate and shall be retained by the Utility. It is further

ORDERED that the rates and charges that were in effect when Charlotte County transferred jurisdiction to this Commission as shown on Schedule No. 1 shall be approved effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, F.A.C. It is further

ORDERED that NHC Utilities, Inc. shall charge the approved rates and charges until they are authorized to be changed 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 30th day of September, 2013.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 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.

NHC UTILITIES, INC.

DESCRIPTION OF TERRITORY SERVED

A parcel of land lying in Section 21, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows:

A portion of Plan No. 1 of a part of Ward Seven El Jobean, as recorded in Plat Book 2, Page 37, of the Public Records of Charlotte County, Florida, and a portion of Plan No. 2 of a part of Ward Seven El Jobean, as recorded in Plat Book 2, Page 48, of the Public Records of Charlotte County, Florida, all being more particularly described as follows:

Commencing at the Northeast corner of said Section 21; run North  $89^{\circ} 32' 10''$  West along the North line of said Section 21, a distance of 12.03 feet to the intersection with the centerline of the C.H. & N. Railroad; thence South  $12^{\circ} 11' 23''$  West along said centerline, a distance of 4258.40 feet to the intersection of the centerline of the C.H. & N. Railroad and the Northerly right of way line of Russell Avenue, said point being the Point of Beginning,

Beginning at the intersection of the Northerly right of way line of Russell Avenue and the centerline of the C.H. & N. Railroad; thence South  $72^{\circ} 11' 23''$  West along the Northerly right of way line of said Russell Avenue, a distance of 1257.07 feet to a point on the arc of a curve whose radius point bears South  $67^{\circ} 00' 19''$  West from said point, and being the right of way line of Seminole Circle; thence, Northerly and Westerly, along the arc of said curve, having a radius of 332 feet and a central angle of  $49^{\circ} 37' 52''$ , an arc distance of 287.59 feet, to the Easterly right of way line of Southland Avenue; thence North  $12^{\circ} 11' 23''$  East, along said Easterly right of way line, a distance of 2024.95 feet; thence North  $77^{\circ} 48' 37''$  West, a distance of 1390.0 feet, to the center of Lincoln Park; thence North  $17^{\circ} 22' 27''$  East radially a distance of 331.97 feet to the intersection of Lincoln Circle with the Easterly right of way line of Hamner Avenue; thence North  $12^{\circ} 11' 23''$  East along the Easterly right of way line of Hamner Avenue, a distance of 1222.32 feet to the intersection with the Southeasterly right of way line of Colonial Avenue; thence North  $72^{\circ} 11' 23''$  East along the Southeasterly right of way line of Colonial Avenue, a distance of 605.01 feet to the Southwesterly extension of the Southeasterly right of way line of Ward Road; thence North  $12^{\circ} 11' 23''$  East along the Southeasterly right of way line of Ward Road, a distance of 417.62 feet to a point on the North line of Section 21, Township 40 South, Range 21 East, Charlotte County, Florida; thence South  $89^{\circ} 32' 10''$  East along the North line of said Section 21, a distance of 2212.21 feet to the intersection with the centerline of the C.H. & N. Railroad; thence South  $12^{\circ} 11' 23''$  West along said centerline, a distance of 4258.40 feet to the Point of Beginning, containing 202.5285 acres, more or less.

**FLORIDA PUBLIC SERVICE COMMISSION**

**authorizes  
NHC Utilities, Inc.  
pursuant to  
Certificate Number 663-W**

to provide water service in Charlotte 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.

Order Number	Date Issued	Docket Number	Filing Type
*	*	130149-WU	Grandfather Certificate

\*Order Number and date to be provided at time of issuance.

NHC Utilities, Inc.  
 Charlotte County  
 Water

**Residential and General Service**

Base Facility Charge by Meter Sizes

5/8" x 3/4"	\$ 16.99
3/4"	\$ 25.49
1"	\$ 42.47
1 1/2"	\$ 84.95
2"	\$ 135.91
3"	\$ 271.83

Charge per 1,000 Gallons	\$ 4.88
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**Multi-Residential Service**

All Meter Sizes	\$ 16.99
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Charge per 1,000 Gallons	\$ 4.88
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Monthly Fire Hydrant Maintenance Charge (all meter sizes)	\$ .64
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**Initial Customer Deposit**

5/8" X 3/4"	\$100.00
1"	\$150.00
1 1/2"	\$500.00
2" and over	\$800.00

**Residential and General Service**

**Miscellaneous Service Charges**

Initial Connection Fee	\$ 0
Normal Reconnection Fee	\$ 35.00
Violation Reconnection Fee	\$ 52.50
Premises Visit Fee (in lieu of disconnection)	\$ 35.00
Late Payment	\$ 3.00

**Service Availability Charges**

**Customer Connection (Tap-In) Charge**

5/8" x 3/4"	\$ 430.00
1"	\$ 480.00
1 1/2"	\$ 864.00
2"	\$ 1,056.00