

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Mid-Clay) DOCKET NO. 930247-WS
Services Corporation for) ORDER NO. PSC-93-1542-FOF-WS
Amendment of Certificates Nos.) ISSUED: October 20, 1993
492-W and 426-S in Clay County.)
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_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER AMENDING CERTIFICATES TO INCLUDE ADDITIONAL
TERRITORY, ESTABLISHING RATES AND CHARGES,
REQUIRING MID-CLAY SERVICES CORPORATION TO FILE AN
APPLICATION FOR REVIEW OF ITS SERVICE AVAILABILITY
POLICY, AND CLOSING DOCKET

BY THE COMMISSION:

Background

On March 8, 1993, Mid-Clay Services Corporation (Mid-Clay or Utility) filed an application with this Commission for amendment of Certificates Nos. 492-W and 426-S to include additional territory in Clay County. Mid-Clay and its Lake Asbury system are interconnected. The Mid-Clay system currently serves approximately 120 water customers and 102 wastewater customers in Clay County. Lake Asbury serves approximately 612 water customers.

The size of the additional territory requested is significant in that it consists of approximately 8 additional sections or 5,120 acres. Although the area is not expected to have a high density of customers, it is expected that the extension will add more than 1,000 customers. The Utility's existing water and wastewater treatment plants will be expanded and the distribution and collection lines will be extended to serve the additional territory.

DOCUMENT NUMBER-DATE

11253 OCT 20 93

FPSC-RECORDS/REPORTING

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$1,800 (\$900 for water and \$900 for wastewater), pursuant to Rule 25-30.020, Florida Administrative Code. Mid-Clay also provided evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.036(1)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036(1) (e), (f) and (i), Florida Administrative Code. The additional territory which Mid-Clay is requesting to serve in Clay County is described in Attachment A of this Order.

Mid-Clay provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

Since Mid-Clay has been in operation under our jurisdiction since 1986, and has been providing satisfactory service to its customers, we believe that the Utility has demonstrated its ability to provide service to the additional territory. Also, from the information filed with the application, it appears that Mid-Clay has the financial ability to serve the requested area. In addition, according to the Department of Environmental Protection, there are no outstanding notices of violation against the Utility.

Therefore, we find that it is in the public interest to amend Certificates Nos. 492-W and 426-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. Mid-Clay has returned the Certificates to this Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

Rates and Charges

Mid-Clay's existing rates and charges became effective on August 31, 1992, pursuant to a price index rate adjustment. The Utility shall charge the customers in the territory added herein

the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

Service Availability Policy

In order to serve the requested territory, the Utility will be required to expand both its water and wastewater treatment plants and install water transmission lines and wastewater force mains. The construction will depend on growth in the area, which is expected to be gradual over the next few years. Mid-Clay has not yet provided cost projections for the expansion of its facilities since they are still in the planning stage.

Mid-Clay's service availability policy has changed little since the Utility became certificated in 1986. According to Rule 25-30.580, Florida Administrative Code, the maximum amount of CIAC, net amortization, should not exceed 75% of the total original cost, net accumulated depreciation. The Utility is not exceeding the maximum.

The minimum amount of CIAC required by Rule 25-30.580, Florida Administrative Code, should not be less than the percentage of such facilities and plant that is represented by the water transmission and distribution and sewage collection systems. Although the Utility meets the minimum amount of CIAC for wastewater, it does not meet the minimum requirements for water.

Mid-Clay's service availability policy does not allow a system, plant or line capacity charge. We are concerned that the Utility may have to install trunk water mains and wastewater master lift stations along with force mains in the fringe areas of the proposed service area. According to its present service availability policy, Mid-Clay would be required to pay the full cost of these facilities. The Utility would also have to pay the full cost of the water and wastewater treatment plant expansions. Therefore, we find it appropriate to require Mid-Clay to file an application for review of its service availability policy, pursuant to Rule 25-30.565, Florida Administrative Code, within 24 months of the date of this Order.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 492-W and 426-S, held by Mid-Clay Services Corporation, 767 Blanding Boulevard, Suite 106, Orange Park,

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Florida 32065, are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Mid-Clay Services Corporation shall charge the customers in the territory added herein the rates and charges approved in the its tariff until authorized to change by this Commission. It is further

ORDERED that Mid-Clay Services Corporation shall file an application for review of its service availability policy, purusant to Rule 25-30.565, Florida Administrative Code, within 24 months of the date of this Order. It is further

ORDERED that Docket No. 930247-WS is hereby closed.

By ORDER of the Florida Public Service Commission this 20th day of October, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

MID-CLAY SERVICES CORP.

ENTIRE SERVICE TERRITORY DESCRIPTION

Water and Wastewater

Township 5 South, Range 25 East, Clay County

All of Section 27
All of Section 22
All of Section 15
That portion of Section 10, lying southerly of County Road 209.
That portion of Section 9, lying southerly and westerly of County Road 209, and southerly and easterly of Black Creek.
All of Section 16
All of Section 21
All of Section 28
All of Section 29
All of Section 20
All of Section 38
That portion of Section 8, lying southerly of Black Creek.
All of Section 43
That portion of Section 42, lying in Township 5 South, Range 25 East
All of Section 18
All of Section 19, lying northerly of County Road 218
All of Section 30, except the Northwest 1/4
That portion of Section 42, lying South of the North Fork of Black Creek.

Township 5 South, Range 24 East, Clay County

That portion of Section 42, lying in Township 5 South, Range 24 East
All of Section 13

MID-CLAY SERVICES CORP.

ENTIRE SERVICE TERRITORY DESCRIPTION

Water and Wastewater

Township 5 South, Range 24 East, Clay County

All of Section 24, lying northerly of County Road 218
That part of Section 24, lying southerly of County Road 218 described as follows: Commence at the intersection of the East line of said Section 24 with the Southwesterly line of County Road 218; thence on the Southwesterly line run North 58° 54' 19" West 2,560.43 feet to the Point of Beginning (P.O.B.); thence South 40° 38' 41" West 219.04 feet; Thence South 00° 50' 41" West 213.0 feet; thence North 58° 54' 19" West 3,500 feet, more or less, to the West line of said section 24; thence on said West line run North to the Southwesterly line of County Road 218; thence on said Southwesterly line run South 58° 54' 19" East 3,540 feet to the P.O.B.

All of Section 12

That portion of Section 11, lying South of the North Fork of Black Creek and within 400' of the westerly side of State Road 21

That portion of Section 11, lying southeasterly of State Road 21

That portion of Section 14, lying northeasterly of County Road 218, and which also lies southeasterly of State Road 21

That portion of Section 14, lying easterly of state Road 21, and within 400' of the southwesterly side of County Road 218

That portion of Section 15, lying within 400' of the westerly side of State Road 21

That portion of Section 15, lying southeasterly of State Road 21

That portion of Section 23, lying within 400' of the Southwesterly side of County Road 218

That portion of Section 23, lying northeasterly of County Road 218

Less

All that property included above which was previously certificated to Mid-Clay Service Corp. by the following Florida Public Service Commission Orders:

Order No. 17992, dated 08/13/87, Docket No. 870028-WS;

Order No. 18249, dated 10/05/87, Docket No. 870608-WU *

* To be excluded from the water certificate only.