

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
grandfather certificate to
provide water service in Polk
County by Sunrise Water Company,
Inc.

DOCKET NO. 961249-WU
ORDER NO. PSC-97-0832-FOF-WU
ISSUED: July 11, 1997

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

ORDER GRANTING GRANDFATHER CERTIFICATE,
SETTING RATES AND CHARGES, REQUIRING PAYMENT OF
REGULATORY ASSESSMENT FEES FOR 1996 AND FILING
OF 1996 ANNUAL REPORT

AND

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING MISCELLANEOUS SERVICE CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service
Commission that the action discussed herein approving miscellaneous
service charges is preliminary in nature and will become final
unless a person whose interests are substantially affected files a
petition for a formal proceeding, pursuant to Rule 25-22.029,
Florida Administrative Code.

Background

On October 16, 1996, Sunrise Water Company, Inc. (Sunrise or
utility) filed an application for a grandfather certificate to
provide water 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.

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TRAC - PUBLIC REPORTING

Sunrise is a Class C utility which has been in existence in Polk County since 1977. The utility's facilities consist of one water treatment plant and one water transmission and distribution system. Sunrise currently provides water service to 282 single family residences and mobile homes in the Sunrise Acres Subdivision, an unrecorded subdivision known as the Pinewood subdivision, and an unrecorded mobile home village. According to the application, the service area is built out at this time.

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 \$500, pursuant to Rule 25-30.020, Florida Administrative Code. Sunrise provided evidence that it owns the land upon which its facilities are located, as prescribed by Rule 25-30.035(6), Florida Administrative Code.

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. It should be noted that the original Resolution Granting a Franchise to Sun Acres (original name of the utility) by Polk County incorrectly indicated that the service area was in Section 13. The error was carried forward to the 1990 Franchise Agreement granted to Sunrise. The service area is actually entirely within Section 21. The description of the territory in Section 21 which Sunrise has requested to serve is shown on Attachment A of this Order, which by reference is incorporated herein.

The Department of Environmental Protection (DEP) has been contacted regarding outstanding notices of violation. According to that agency, there are no outstanding notices of violation against Sunrise.

In view of the foregoing, we find it appropriate to grant Sunrise's application for a grandfather certificate in Polk County. Accordingly, Sunrise is granted Certificate No. 584-W to serve the territory described in Attachment A of this Order.

Rates and Charges

Sunrise's current rates and charges were established by the Polk County Board of County Commissioners on June 21, 1988. On December 9, 1996, this Commission approved a pass-through rate increase to recognize the difference in regulatory assessment fees charged by Polk County and the Commission.

Sunrise has requested approval to replace its existing miscellaneous service charges with the standard miscellaneous services charges that are typically approved by the Commission. The utility has also requested to continue to charge its existing late payment fee. Rule 25-30.345, Florida Administrative Code, allows utilities to assess charges for miscellaneous services. The principal purpose of such charges is to provide a means by which the utility can recover the costs of providing miscellaneous service from those customers who require the services. Thus, the costs are borne by the cost causer rather than the general body of ratepayers.

Set forth below are Sunrise's current rates and charges and the miscellaneous service charges requested by the utility. We find these rates and charges to be reasonable and they are approved.

Monthly Service Rates

Minimum Charge (Includes First 5,000 Gallons)

Meter Size:

5/8" x 3/4"

\$ 8.85

Gallonage Charge

Per 1,000 Gallons Over
the First 5,000 Gallons

\$ 1.31

Customer Deposits

Residential

\$ 35.00

Miscellaneous Service Charges

Initial Connection Fee

\$ 15.00

Normal Reconnection Fee

\$ 15.00

Violation Reconnection Fee

\$ 15.00

Premises Visit Fee (in lieu of disconnection)

\$ 10.00

Late Payment Fee

\$ 5.00

Service Availability Charge

System Capacity Charge

\$450.00

Sunrise shall continue to charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. The utility has filed tariff sheets reflecting the rates approved herein. 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 25-30.120(2), Florida Administrative Code, "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 been issued a certificate" is required to pay regulatory assessment fees. Additionally, Rule 25-30.110(3), Florida Administrative Code, states that "[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." Therefore, we find it appropriate to require Sunrise to pay regulatory assessment fees for 1996 and file an Annual Report for 1996 from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sunrise Water Company, Inc., Post Office Box 2397, Winter Park, Florida 32790, is hereby granted Certificate No. 584-W to provide water service in the territory described in Attachment A of this Order. It is further

ORDERED that the rates and charges set forth in the body of this Order are hereby approved. Sunrise Water Company, Inc., shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that 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 Sunrise Water Company, Inc. 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

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ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 11th day of July, 1997.



BLANCA S. BAYO, 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 120.569(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.

As identified in the body of this order, our action approving miscellaneous service charges is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 1, 1997. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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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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 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

SUNRISE WATER COMPANY, INC.

POLK COUNTY

Territory Description

Township 28 South, Range 25 East, Section 21

Serving an area generally known as Sunrise Acres Subdivision, an unrecorded subdivision known as Pinewood, and an unrecorded mobile home village. More particularly described as:

From the Northwest corner of Section 21, also the Point of Beginning, run due East (along the South line of Section 16 and the North line of Section 21) for a distance of 2618.23 feet, more or less; thence, due South a distance of 1313 feet, more or less; thence due West a distance of 1455.20 feet, more or less; thence due South a distance of 235 feet, more or less; thence due West a distance of 405 feet, more or less; thence due South a distance of 1063 feet, more or less; thence due West a distance of 420.71 feet, more or less; thence due North a distance of 695 feet, more or less; thence due West a distance of 340 feet, more or less, to the West line of Section 21; thence due North a distance of 1922.35 feet, more or less, to the Point of Beginning.