

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: August 2, 2001
TO: Division of the Commission Clerk and Administrative Services
FROM: Division of Appeals, Samantha M. Cibula *S.M.C.*
RE: Revision to Recommendation for Dockets Nos. 990696-WS & 992040-WS

Please find attached the revised recommendation for Dockets Nos. 990696-WS & 992040-WS. Page number 141 of the recommendation has been revised to delete the word "While" from the first sentence of the recommendation paragraph. Also on page 141, in the second sentence of the recommendation paragraph, the word "Nevertheless" has been deleted and the word "However" has been added.

DOCUMENT NUMBER-DATE

09421 AUG-20

FPSC-COMMISSION CLERK

ISSUE 21: Can the Commission grant Intercoastal or NUC a certificate which will be in competition with, or a duplication of, any other water and wastewater system?

RECOMMENDATION: No. ~~While~~ The Commission may not grant a certificate of authorization for a proposed system or an amendment to a certificate of authorization for the extension of an existing system which will be in competition with, or duplication of any other system or portion of a system. ~~Nevertheless~~ However, granting either Intercoastal or NUC an original certificate will not result in a system which will be in competition with or a duplication of another water or wastewater system. (CIBULA, ESPINOZA)

POSITION OF PARTIES

NUC: No. However, granting NUC's application will not create such competition or duplication.

IU: Granting Intercoastal's application will not create competition with, or duplication of, the County's water and wastewater system. Intercoastal's proposal can be granted and its proposed territory certificated in harmony with the County's system.

JEA: No position given.

SAWGRASS: The Association adopts the argument of NUC on this issue.

STAFF ANALYSIS: Pursuant to Section 367.045(5)(a), Florida Statutes, the Commission may not grant a certificate of authorization for a proposed system or an amendment to a certificate of authorization for the extension of an existing system which will be in competition with, or duplication of any other system or portion of a system, unless it first determines that such other system or portion thereof is inadequate to meet the reasonable needs of the public or that the person operating the system is unable, refuses, or neglects to provide reasonably adequate service. Section 367.021(11), Florida Statutes, defines "system" as facilities and land used and useful in providing service.

In Order No. PSC-92-0104-FOF-WU, issued March 27, 1992, in Docket No. 910114-WU, the Commission stated: