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COMMISSION
CLERK

DATE: November 1, 2004

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Richard P. Redemann, Utility Systems/Communications Engineer, Division of Economic Regulation *RRR*

RE: Docket No. 041040-WU; Application for certificate to operate a water utility in Baker and Union counties by B & C Water Resources, L.L.C.

Please add to the docket file the attached letter dated October 29, 2004, from Charles Gauthier, AICP, Chief, Office of Comprehensive Planning at the Department of Community Affairs (DCA) to Ms. Patti Daniel, Commission staff. The attachment is DCA's response to staff's letter dated September 17, 2004 requesting input on the need for service and the comprehensive plan consistency.

Attachment

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cc: Division of Economic Regulation (Brady)
Office of General Counsel (Gervasi)

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH
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THADDEUS L. COHEN, AIA

October 29, 2004

Ms. Patti Daniel, Supervisor
Bureau of Certification
Division of Economic Regulation
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Ms. Daniel,

The Department has completed its review of the request submitted by B & C Water Resources LLC, an affiliate of Plum Creek Timberlands LP, for an original water certificate to operate a water utility in Union and Baker Counties. The proposed service area is approximately 125,313 acres with 83,300 acres in Union County and 42,012 acres in Baker County. The applicant states that the extension of water service will initially serve 306.7 Equivalent Residential Connections for 27 hunt clubs.

Pursuant to a Memorandum of Understanding between the Department and the Public Service Commission, the Department has agreed to review applications for amendments for original certificates and provide input on the need for service and comprehensive plan consistency.

According to the adopted Union County Comprehensive Plan the proposed service area is predominately designated Agriculture – 2 (less than one residential unit per 20 acres) and Agriculture – 4 (less than one residential unit per acre). Therefore need for the service area, beyond service to the 27 hunt clubs, is not demonstrated by the Comprehensive Plan. In addition to the lack of demonstrated need to support the entirety of the proposed service area, the proposal is not compatible with the County's Urban Development Area strategies. The four Urban Development Areas are intended to receive higher density residential, commercial and industrial uses. Only a small portion of the proposed service area is within the County's Urban Development Area.

Baker County has recognized, in its Evaluation and Appraisal Report based Comprehensive Plan update data and analysis, the need to provide adequate public facilities to the County's population in the unincorporated portion of the County. However, the County does not anticipate the need for a county water district during its current 2010 planning timeframe, because "there has not been enough high-density new construction to warrant the construction of a County sponsored potable water system". The Baker County Comprehensive

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Ms. Patti Daniel
October 29, 2004

Plan assigns very low density to the majority of the overall proposed service area ranging from one unit per 10 to 20 acres.

Given the future land use assignments by Union and Baker Counties, and the lack of direction within the comprehensive plans toward central water service within the overall proposed water service area, the Department concludes that there is not a need for all of the service area as requested.

Representatives of Plum Creek Timberlands LP have coordinated with the Department on this matter and we have had discussions about large scale planning opportunities afforded by the extensive unified ownership. While these discussions are very preliminary we are encouraged and hope to collaborate on a planning program for the area. We will look for Plum Creek LLC to continue these discussions and to initiate such program.

Sincerely,



Charles Gauthier, AICP
Chief of Comprehensive Planning

CC: Mr. Clay Henderson