

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for grandfather certificate to operate wastewater utility in Okeechobee County by The Vantage Development Corporation.

DOCKET NO. 040801-SU  
ORDER NO. PSC-05-0498-FOF-SU  
ISSUED: May 5, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR

ORDER GRANTING GRANDFATHER CERTIFICATE  
AND SETTING RATES AND CHARGES

BY THE COMMISSION:

On May 13, 2004, the Okeechobee County Board of County Commissioners adopted Resolution No. 2004-16 declaring the water and wastewater utilities in that county subject to the provisions of Chapter 367, Florida Statutes. The Commission acknowledged the resolution by order issued on June 15, 2004.<sup>1</sup>

On July 30, 2004, The Vantage Development Corporation (Vantage or utility) filed an application for a certificate to provide wastewater service in Okeechobee County. The application was completed on February 11, 2005. Pursuant to Section 367.031, Florida Statutes, the Commission is required to grant or deny a certificate of authorization within 90 days after the official filing date of the completed application. We have jurisdiction pursuant to Section 367.171, Florida Statutes.

The utility facilities have been in existence since 1982 and currently provide wastewater service to portions of the Treasure Island subdivision and The Vantage Oaks RV Park. Water service is provided by the Okeechobee Utility Authority. The utility is located in a portion of the South Florida Water Management District which is not considered a critical water supply problem area.

The application is in compliance with the governing statute and other pertinent statutes and administrative rules concerning an application for a grandfather certificate. Pursuant to Rule 25-30.030(9), Florida Administrative Code, noticing does not apply to applications for grandfather certificates.

<sup>1</sup> Order No. PSC-04-0593-FOF-WS, issued June 15, 2004, In Re: Resolution of the Board of County Commissioners of Okeechobee County declaring Okeechobee County subject to the provision of Chapter 367, F.S.

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FPSC-COMMISSION CLERK

The Vantage Development Corporation was established on May 24, 1976. The utility provides wastewater service to 338 residential connections and is at build-out. The facilities consist of a 50,000 gallon per day extended air treatment system with disposal to one large percolation pond with multiple cells. According to the Florida Department of Environmental Protection, there are no enforcement actions or corrective orders against the system and the utility's operating permit was renewed in 2003. The application contained a legal description of the territory the utility was serving at the time of jurisdiction as well as system and territory maps. A description of the territory is appended to this order as Attachment A. The application also contained a recorded warranty deed as proof of ownership of the land upon which the treatment plant is located.

Our staff has advised the utility of the annual report and regulatory assessment fee requirements. As a result, it has requested and been granted an extension until May 31, 2005, to file its 2004 annual report. Further, it timely paid regulatory assessment fees of \$1,134.05 on reported revenues of \$25,201 on March 28, 2005.

Our staff has explained to the utility the need to maintain its books and records according to the National Association of Regulatory Utility Commissioners (NARUC) uniform system of accounts as well as the need to keep utility books and records separate from non-utility books and records. Within 30 days from the date the utility files its 2004 annual report, the utility shall be required to provide a statement with supporting documentation that it has established books and records in compliance with the NARUC uniform system of accounts, including the ability to provide separate general ledgers for utility and non-utility records.

Based upon the above, The Vantage Development Corporation's application is approved and the utility shall be issued Certificate No. 537-S to serve the territory described in Attachment A. Within 30 days from the date the utility files its 2004 annual report, the utility is required to provide a statement with supporting documentation that it has established books and records in compliance with the NARUC uniform system of accounts, including the ability to provide separate general ledgers for utility and non-utility records.

According to the application, the utility has been charging a flat rate of \$28.00 per month for wastewater service since June 1, 2003. A tariff reflecting this proposed charge was included with the utility's application for certificate. In addition, there are no customer deposits and, since the utility is at build-out, no service availability fees. The utility's existing monthly flat rate is approved until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting this charge shall be effective for services rendered or connections made on or after the stamped approval date.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that The Vantage Development Corporation is hereby granted Certificate No. 537-S. The territory The Vantage Development Corporation is authorized to serve is shown on Attachment A of this Order, which is incorporated herein by reference. It is further

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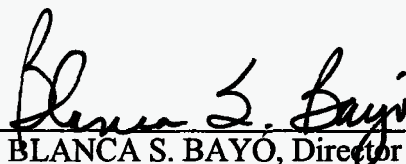
ORDERED that the flat rate of \$28.00 per month for wastewater service charged by The Vantage Development Corporation is hereby approved until authorized to change by the Commission in a subsequent proceeding. It is further

ORDERED that the tariff reflecting this charge shall be effective for services rendered or connections made on or after the stamped approval date. It is further

ORDERED that The Vantage Development Corporation shall file its 2004 annual report by May 31, 2005. It is further

ORDERED that this docket shall remain open pending receipt of a statement, with supporting documentation, from the utility that it has established books and records in compliance with the NARUC uniform system of accounts, including the ability to provide separate general ledgers for utility and non-utility records. Upon receipt of such statement, the docket shall be administratively closed.

By ORDER of the Florida Public Service Commission this 5th day of May, 2005.



BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

JAR

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 Director, Division of the Commission Clerk and Administrative Services, 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 Director, Division of the Commission Clerk and Administrative Services 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.

Attachment A

**The Vantage Oak Development Corporation**

Okeechobee County

Wastewater Service Area

Serving Parts of Treasure Island and The Vantage Oaks RV Park

Township 37 South, Range 35 East

Section 25

Begin at the Northeast corner of Section 25, Township 37 South, Range 35 East. Thence run due South along the East line of said section a distance of about 1,690 feet. Thence run due West about 510 feet to the Point of Beginning (POB). Said point also, the Northeast corner of lot 153 of Treasure Island Unit 13. Thence continue due West a distance of 1,645.56 feet to the East Right of Way line of Everglades Blvd/S.E. 40<sup>th</sup> Avenue. Thence continue due West across Everglades Blvd/S.E. 40<sup>th</sup> Avenue a distance of 70 feet. Thence due South a distance of 35 feet. Thence due West a distance of 110 feet. Thence due South a distance of 35 feet. Thence North 88° West a distance of 830 feet. Thence South 41° East a distance of 1,195 feet. Thence due South 95 feet. Thence due West a distance of 1,205 feet. Thence due South a distance of 330 feet. Thence due East a distance of 1352 feet to the West Right of Way line of S.E. 40<sup>th</sup> Avenue. Thence continue due East across S.E. 40<sup>th</sup> Avenue a distance of 70 feet. Thence continue due East a distance of 1,050 feet to Mosquito Creek. Thence along Mosquito Creek the following 10 courses to the Northeast corner of the Vantage Oaks Development. 1. North 49° East a distance of 50 feet. 2. North 19° East a distance of 45 feet. 3. North 62° East a distance of 80 feet. 4. North 78° East a distance of 70 feet. 5. North 59° East a distance of 60 feet. 6. North 39° East a distance of 100 feet. 7. North 64° East a distance of 180 feet. 8. North 44° East a distance of 80 feet. 9. North 19° East a distance of 60 feet. 10. North 27° West a distance of 70 feet, (or meander along Mosquito Creek about 760 feet to the Northeast corner of the Vantage Oaks Development.) Thence the following 5 courses to the POB. 1. East a distance of 30 feet. 2. North 25° West a distance of 195 feet. 3. North 5° East a distance of 291 feet. 4. North 6° East a distance of 295 feet. 5. North 24° East a distance of 159 feet to the POB.