

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates No. 379-S to extend service area in Seminole County by Alafaya Utilities, Inc. | DOCKET NO. 060400-SU
ORDER NO. PSC-06-0826-FOF-SU
ISSUED: October 6, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

FINAL ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST, AMENDING
CERTIFICATE NO. 379-S, AND CLOSING DOCKET

BY THE COMMISSION:

Background

Alafaya Utilities, Inc. (Alafaya or utility), a subsidiary of Utilities, Inc., is a Class A wastewater utility located in Seminole County. It provides wastewater service to approximately 6,842 residential customers, 131 general service customers, and 1,646 reuse customers. Alafaya is located in the St. Johns River Water Management District which is considered a priority water resource caution area. Water service is provided by the City of Oviedo. In 2005, the utility had a net operating loss of \$115,015 on annual operating revenues of \$2,781,123 for its wastewater operations. Alafaya recently applied for a rate increase in Docket No. 060256-SU.¹

On May 17, 2006, the utility filed an application for an amendment to Certificate No. 379-S in Seminole County, Florida, pursuant to Rule 25-30.036(3), Florida Administrative Code. On June 23, 2006, Banc of America Strategic Solutions, Inc. (Banc of America) filed an objection to Alafaya's amendment application, which was subsequently withdrawn, and there is no longer any objection to the amendment application and the time for filing objections has passed. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

Amendment of Certificate

Alafaya's application complies with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate.

¹ In Re: Application for increase in wastewater rates in Seminole County by Alafaya Utilities, Inc.

DOCUMENT NUMBER-DATE

09222 OCT-6 8

EPSC-COMMISSION CLERK

The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The local planning agency was provided notice of the application and did not file a protest to the amendment. The Department of Community Affairs has identified no growth management concerns with the proposed expansion of the utility. The utility states that the provision of service will be consistent with the utility section of the local comprehensive plan. The utility plans to serve about 11 single-family homes in the proposed area, which is adjacent to its existing service territory.

Adequate service territory and system maps and a territory description have been provided. A description of the territory requested to be added by the utility and a list of orders identifying the utility's authorized service territory are appended to this Order as Attachment A. The utility has provided a copy of a warranty deed which provides for the continued use of the land as required by Rule 25-30.036(3)(d), Florida Administrative Code.

With respect to technical ability, the utility is an established utility with a long history of quality service and operations. There are no outstanding Consent Orders or Notices of Violation from the Florida Department of Environmental Protection. Regarding the financial impact of the proposed amendment, the utility has entered into a developer agreement, which provides for cash contributions in aid of construction and donated lines. The financial information filed with the application shows that Alafaya has the financial ability to serve the requested area.

Based on the above information, Alafaya's amendment application to add the River Pines Estates, LLC area described in Attachment A is approved. This Order shall serve as Alafaya's amended certificate and shall be retained by the utility. The utility shall charge the customers in the territory added herein the monthly service rates and charges contained in its current tariff until authorized to change by this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the objection by Banc of America has been withdrawn, and Alafaya Utilities, Inc.'s amendment application to add the River Pines Estates, LLC area described in Attachment A shall be approved. It is further

ORDERED that Attachment "A" is incorporated into this Order by reference. It is further

ORDERED that this Order shall serve as Alafaya Utilities, Inc.'s amended certificate and shall be retained by the utility. It is further

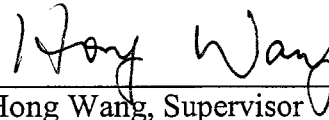
ORDERED that Alafaya Utilities, Inc. shall charge the customers in the territory added herein the monthly service rates and charges contained in its current tariff until authorized to change by this Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of October, 2006.

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

By:



Hong Wang, Supervisor
Case Management Review Section

(S E A L)

RRJ

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.

ORDER NO. PSC-06-0826-FOF-SU
DOCKET NO. 060400-SU
PAGE 4

Attachment A

Page 1 of 2

ALAFAYA UTILITIES, INC.

DESCRIPTION OF TERRITORY SERVED

Wastewater Service Area

Seminole County

Serving River Pines Estates

The West 1/4 of the Northeast 1/4 of the Southeast 1/4

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

Alafaya Utilities Inc.
pursuant to
Certificate Number 379-S

to provide wastewater service in Seminole County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
14841	09-03-1985	850209-SU	Original Certificate
15573	01-23-1986	860014-SU	Amendment
18486	12-02-1987	870923-SU	Amendment
19579	06-28-1988	880562-SU	Amendment
PSC-93-0358-FOF-SU	03-08-1993	920885-SU	Amendment
PSC-95-0489-FOF-SU	04-18-1995	941106-SU	Transfer
PSC-96-1281-FOF-SU	10-15-1996	951419-SU	Amendment
PSC-04-0149-FOF-SU	02-11-2004	030957-SU	Amendment
PSC-06-0826-FOF-SU	10-06-2006	060400-SU	Amendment