

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for grandfather certificate to
operate water and wastewater utility in Hardee
County by Aqua Utilities Florida, Inc.

DOCKET NO. 100050-WS
ORDER NO. PSC-10-0205-FOF-WS
ISSUED: April 2, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER GRANTING WATER AND WASTEWATER CERTIFICATES
AND APPROVING RATES AND CHARGES

BY THE COMMISSION:

Background

On October 22, 2009, the Board of County Commissioners of Hardee County adopted Ordinance No. 2010-02, declaring the privately-owned water and wastewater facilities in Hardee County to be subject to the provisions of Chapter 367, Florida Statutes (F.S.). The Ordinance was filed on October 26, 2009, making that the effective date of the transfer of jurisdiction. We acknowledged the Ordinance on December 14, 2009.¹

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system shall be entitled to receive a certificate for the area served by such utility on the day the chapter becomes applicable to the utility. On January 22, 2010, Aqua Utilities Florida, Inc. (AUF or Utility) filed an application for certificates under grandfather rights to provide water and wastewater service in Hardee County pursuant to Section 367.171, F.S. The area served is known as Peace River Heights.

The Peace River Heights systems have been in existence since approximately 1972 and are at build-out with approximately 100 residential water connections, 95 residential wastewater connections, and 2 water and wastewater general service connections, making it a Class C utility. The Peace River Heights service area is located in the Southwest Florida Water Management District, which is currently under Phase II (Severe Water Shortage) Restriction. We have jurisdiction to consider this matter pursuant to Section 367.171, F.S.

¹ Order No. PSC-09-0820-FOF-WS, issued December 14, 2009, in Docket No. 090489-WS, In re: Ordinance by Board of County Commissioners of Hardee County relating to regulation of privately owned water and sewer utilities within the unincorporated areas of Hardee County.

DOCUMENT NUMBER-DATE

02458 APR-20

FPSC-COMMISSION CLERK

Grandfather Application

AUF's application for certificates under grandfather rights as filed was complete. The application is in compliance with the governing and other pertinent statutes and administrative rules concerning an application for grandfather certificates. The application contains a warranty deed as proof of ownership of the land on which the utility facilities are located, an accurate territory description, and adequate service territory and system maps. A description of the territory, known as Peace River Heights, is appended hereto as Attachment A.

The Utility has been in existence since approximately 1972. The water plant consists of two wells with a total rated capacity of 300 gallons per minute. Sodium Hypochlorite is used as the primary disinfectant with pressure provided by a 5,000 gallon hydropneumatic tank. The wastewater facility consists of an extended aeration treatment plant with a rated capacity of 40,000 gallons per day. Effluent is disposed of through a two-cell rapid infiltration basis system.

The Utility's wastewater system was recently inspected by the Florida Department of Environmental Protection (DEP) with only minor issues noted. AUF is working with DEP with regard to an August 13, 2009, warning letter indicating that the Peace River Heights water system may have exceeded the maximum contaminant levels (MCLs) for Gross Alpha Particles. In response to DEP's proposed consent order, AUF provided DEP with proposed amendments and supporting documentation, as well as a treatment alternative. In addition, AUF is working with a consultant to evaluate cost effective treatment options to address the MCLs, if needed.

The Utility is aware of the requirement to submit a 2009 annual report and remit 2009 RAFs for the period October 26, 2009, through December 31, 2009, by March 31, 2010. In addition, the Utility is aware that it must maintain its books and records according to the National Association of Regulatory Commissioners' Uniform System of Accounts.

Based on the above, we hereby grant AUF Water Certificate No. 649-W and Wastewater Certificate No. 555-S to serve the territory described in Attachment A. The Utility shall be required to file a 2009 annual report by March 31, 2010, and remit RAFs by March 31, 2010, for the period of October 26, 2009, through December 31, 2009, and every year thereafter.

Rates and Charges

According to the application, Hardee County approved the rates and charges that are shown on Schedule No. 1. Accordingly, the rates and charges that were in effect when Hardee County rescinded jurisdiction shall be approved. AUF shall be required to charge the approved rates until authorized to change by this Commission in a subsequent proceeding. The rates and charges shall be effective for services rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Aqua Utilities Florida, Inc. is hereby granted Water Certificate No. 649-W and Wastewater Certificate No. 555-S to serve the territory described in Attachment A. It is further

ORDERED that Aqua Utilities Florida, Inc. shall file a 2009 annual report by March 31, 2010, and remit regulatory assessment fees by March 31, 2010, for the period of October 26, 2009, through December 31, 2009, and every year thereafter. It is further

ORDERED that the rates and charges that were in effect when Hardee County rescinded jurisdiction shall be approved and Aqua Utilities Florida, Inc. shall be required to charge the approved rates until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that the approved rates and charges shall be effective for services rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, Florida Administrative Code. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 2nd day of April, 2010.



ANN COLE
Commission Clerk

(S E A L)

LAH

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.

Aqua Utilities Florida, Inc.
Peace River Heights
Hardee County
Water and Wastewater Service Area

Township 34 South, Range 25 East
Sections 10 and 15

A parcel of land lying in Sections 10 and 15, Township 34 South, Range 25 East, Hardee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast 1/4 of Section 10, Township 34 South, Range 25 East, Hardee County Florida, also being the Northwest corner of the Northeast 1/4 of Section 15, Township 34 South, Range 25 East; Thence N00°04'32"W along the West Line of the Southeast 1/4 of said Section 10, Township 34 South, Range 25 East a distance of 284.85 feet to an intersection with the east right of way line of Martin Luther King Jr. Boulevard (formerly known as New York Avenue) also being a point on a curve concave to the West having a radius of 957.90 feet; Thence Northerly along said curve through a central angle of 15°03'40" an arc distance of 251.80 feet, a chord bearing of N07°28'39"E, and a chord distance of 251.07 feet to the point of curvature of said curve; Thence continue along said East right of way line of Martin Luther King Jr. Boulevard N00°04'32"W a distance of 604.98 feet; Thence S89°58'00"E a distance of 100 feet; Thence N00°00'00"E a distance of 33.33 feet; Thence S89°58'00"E a distance of 950.68 feet; Thence S00°04'25"E a distance of 100 feet; Thence S89°58'00"E a distance of 241.44 feet to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 10; Thence S00°08'50"E along said East line of the Southwest 1/4 of the Southeast 1/4 of Section 10 a distance of 1070.25 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 15, Township 34 South, Range 25 East; Thence S00°00'00"E along the East line of the West 1/2 of the Northeast 1/4 of said Section 15 a distance of 1639.61 feet; Thence S89°36'53"W a distance of 1227.15 feet; Thence N00°01'21"E a distance of 300.01 feet; Thence S89°36'53"W a distance of 100.00 feet to the West line of the Northeast 1/4 of said Section 15; Thence N00°01'21"E along said West line of the Northeast 1/4 of Section 15 a distance of 1347.43 feet to the point of beginning. Contains 83.78 acres more or less.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Aqua Utilities Florida, Inc.
pursuant to
Certificate Number 649-W

to provide water service in Hardee 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>
PSC-10-0205-FOF-WS	04/02/10	100050-WS	Grandfather Certificate

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Aqua Utilities Florida, Inc.
pursuant to
Certificate Number 555-S

to provide wastewater service in Hardee 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>
PSC-10-0205-FOF-WS	04/02/10	100050-WS	Grandfather Certificate

**Aqua Utilities Florida, Inc.
 Peace River Heights
 Hardee County**

Monthly Service Rates

Base Facility Charge	Residential Potable Water Service	General Service Potable Water Service
Meter Size:		
5/8" x 3/4"	\$ 16.44	\$ 16.44
3/4"	24.66	24.66
1"	41.10	41.10
1 1/2"	82.20	82.20
2"	131.52	131.52
3"	263.03	263.03
4"	410.99	410.99
6"	821.97	821.97
8"	1,315.16	1,315.16
10"	1,890.54	1,890.54
Charge per 1,000 gallons		
Block 1, (0-5,000 gallons)	\$ 4.94	
Block 2, (5,000-10,000 gallons)	6.17	
Block 3, (over 10,000)	14.81	
Charge per 1,000 gallons		\$ 6.05

Base Facility Charge	Residential Wastewater Service	General Service Wastewater Service
Meter Size:		
5/8" x 3/4"	\$ 29.03	\$ 29.03
3/4"		43.55
1"		72.58
1 1/2"		145.17
2"		232.27
3"		464.54
4"		725.84
6"		1,451.68
8"		2,322.70
10"		3,338.87
Charge per 1,000 gallons water (6,000 gallons maximum)	\$ 8.87	
Charge per 1,000 gallons water		\$ 10.64

Monthly Service Rates, continued

Base Facility Charge	Private Fire Protection
Meter Size:	
2"	\$ 10.96
3"	21.92
4"	34.25
6"	68.50
8	109.60
10"	157.55
Charge per 1,000 gallons	N/A

Miscellaneous Service Charges
Water Service

Description	Normal Hours	After Hours
Initial Connection	\$ 22.00	\$ 33.00
Normal Reconnection	\$ 22.00	\$ 33.00
Violation Reconnection	\$ 35.00	\$ 55.00
Premises Visit Charge	\$ 22.00	\$ 33.00
Late Fee	\$ 5.00	Not Applicable

Miscellaneous Service Charges
Wastewater Service

Description	Normal Hours	After Hours
Initial Connection	\$ 22.00	\$ 33.00
Normal Reconnection	\$ 22.00	\$ 33.00
Violation Reconnection	Actual Cost	Actual Cost
Premises Visit Charge	\$ 22.00	\$ 33.00
Late Fee	\$ 5.00	Not Applicable