

Lex Taylor III
ltaylor@sjcfl.us
St. Johns County Attorney Office
500 San Sebastian View
St. Augustine, FL 32084
(904) 209-0805

3. The County is a political subdivision of the State of Florida and a Florida non-charter County. The County provides water and wastewater services throughout St. Johns County. The County is both a governmental authority and a utility in accordance with Section 367.045(4), Florida Statutes.

4. The County's substantial interests will be affected by the Commission's determination regarding the Application, as follows:

a. Issuance of a certificate of authorization would be inconsistent with the St. Johns County 2025 Comprehensive Plan and implementing ordinances and resolutions.

b. If the Application is granted, a non-regional water system served by a package treatment facility will be established within the County's recognized water and wastewater service area, resulting in a potential duplication of service in competition with the County's proposed plan to serve the proposed service area in the Application.

c. If the Application is granted, residents within the proposed service area, and the surrounding region, may be precluded from obtaining water service of a better quality and at lower cost through the County.

d. If the Applicant is issued only a water certificate of authorization its stated intention is to provide wastewater service through septic systems on individual lots which would be inconsistent with the St. Johns County 2025 Comprehensive Plan's goals of reducing septic tanks within the County and the environmental best interests of the future residents of the Riverdale subdivision and surrounding areas.

5. The County received mailed notice of the filing of the Application from the Applicant and by publication in the St. Augustine Record on May 15, 2024. This mailed notice was dated May 10, 2024, but not received until sometime thereafter, on or about May 14, 2024. The County reserves the right to challenge the sufficiency of the notice.

6. The disputed issues of material fact known at this time include, but are not limited to, the following:

a. Whether the issuance of a certificate of authorization to the Applicant would be inconsistent with the St. Johns County Comprehensive Plan and implementing ordinances and resolutions.

b. Whether the issuance of a certificate of authorization to the Applicant would result in unnecessary duplication of service within the County's recognized utility service area and in competition with the County's proposed plan for servicing the proposed service area.

c. Whether the Applicant can provide service to the proposed service area at a lower overall cost than the County.

d. Whether the Applicant has the necessary financial ability to provide service to the proposed service area, as required by Rule 25-30.033(1)(h), F.A.C.

e. Whether the Applicant has the necessary technical ability to provide service to the proposed service area, as required by Rule 25-30.033(1)(i), F.A.C.

f. Whether the Application demonstrates the need for service in the proposed service area, as required by Rule 25-30.033(1)(k), F.A.C.

g. Whether the Application adequately describes the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections ("ERCs") and gallons per day estimated demand per ERC for water and the basis for such estimate, as required by Rule 25-30.033(1)(n), F.A.C.

h. Whether the Application adequately describes the type of water treatment as required by Rule 25-30.033(1)(o), F.A.C.

i. Whether the Application provides the information required by rule 25-30.033(1)(p), F.A.C., to support the Applicant's proposed rates and charges.

j. Whether the Application adequately provided the information in the Water Tariff and required by rule 25-30.033(1)(q), F.A.C.

k. Whether the Applicant intends to provide the quality of service required by St. Johns County Comprehensive Plan Objectives D.4.2 and H.1.2.1 and implementing ordinances.

l. Whether it is in the public interest for the Applicant to serve the proposed service area.

7. The ultimate facts alleged by the County, include, but are not limited to, the following:

a. Issuance of a certificate of authorization to the Applicant would be inconsistent the St. Johns County Comprehensive Plan and implementing ordinances and resolutions. (See St. Johns County Comprehensive Plan, Objectives D.4.1.3, D.4.2, D.4.3, D.4.5, and H.1.2.1 et seq.).

b. The proposed service area included in the Application is in the St. Johns County Utilities recognized service area. The County proposed commercially reasonable terms to the Applicant for the County to provide service to the proposed service area in a financially feasible manner that will ensure lower-cost, long-term, environmentally responsible service by an established governmental utility. Pursuant to this plan, the County is ready, willing, and able to serve the potable water needs of the proposed service area included in the Application. These commercially reasonable terms, which are subject to the successful negotiation and approval of a utility service agreement between the parties, are as follows:

1. Developer will design, permit, and construct a potable water treatment plant with capacity to serve 100 single family units, which will be dedicated to the County to own and operate.

2. The Developer will pay a proportionate fair share contribution for this facility, which was initially estimated to be \$10,000 per lot or a total of \$1,000,000 for the total 100 single family units.

3. The remaining cost for the design, permitting, and construction of the potable water treatment plant will be paid by the County.

(See Exhibit A, St. Johns County Water, Wastewater & Reclaim Water Utility Service Areas and Exhibit B, July 24, 2023, letter of Water & Sewer Availability, Riverdale – Phase 1).

c. The Applicant never officially responded to the County's proposal and instead instituted the Application, which would result in an unnecessary duplication of services and higher overall costs to the customers within the proposed service area.

d. The Application fails to demonstrate the necessary financial ability of the Applicant to provide service to the proposed service area, as required by Rule 25-30.033(1)(h), F.A.C.

e. The Application fails to demonstrate the technical ability of the Applicant to provide service, as required by Rule 25-30.033(1)(i), F.A.C.

f. The Application fails to demonstrate the need for service in the proposed area, as required by Rule 25-30.033(1)(k), F.A.C.

g. The Application fails to describe the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections ("ERCs") and gallons per day estimated demand per ERC for water and the basis for such estimate, as required by Rule 25-30.033(1)(n), F.A.C.

h. The Application fails to adequately describe the type of water treatment method, as required by Rule 25-30.033(1)(o), F.A.C.

i. The Application fails to provide the information required by Rule 25-30.033(1)(p), F.A.C., to support the Applicant's proposed rates and charges.

j. The Application fails to demonstrate that it will provide the quality of service required by St. Johns County Comprehensive Plan Objectives D.4.2 and H.1.2.1 and implementing ordinances.

8. The Applicant has failed to demonstrate that granting the Application is in the public interest.

9. The specific statutes and rules that require denial of the Application include:

- a. Section 367.045, Florida Statutes.
- b. Rule 25-30.033(1)(h),(i),(k),(n),(o),(p),(q) F.A.C.

10. The County is entitled to the relief it seeks pursuant to applicable law.

WHEREFORE, the County requests that the Commission hold an administrative hearing and deny the Application.

Respectfully submitted this 14th day of June, 2024.

/s/ Heather J. Encinosa _____
HEATHER J. ENCINOSA
Florida Bar No. 105082
GREGORY T. STEWART
Florida Bar No. 203718
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, Florida 32308
(850) 224-4070
(850) 224-4073 (Facsimile)
hencinosa@ngnlaw.com
gstewart@ngnlaw.com
legal-admin@ngnlaw.com

John Jenkins
Florida Bar No. 435546
John R. Jenkins, PLLC
27241 Shumard Oak Ct.
Bonita Springs, FL 34135
jjenkins@nettally.com

Lex Taylor III
Florida Bar No. 123365
St. Johns County Attorney Office
500 San Sebastian View
St. Augustine, FL 32084
(904) 209-0805
ltaylor@sicfl.us

CO-COUNSEL FOR ST. JOHNS COUNTY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished
by Electronic Mail, on this 14th day of June, 2024, to:

William T. Smoot
4337 Pablo Oaks Court, Suite 101
Jacksonville, Florida 32224
(904) 223-9773
wts@wetengineering.net
For Riverdale Utility Holding, Inc.

John A. Semanik
2120 Corporate Square Boulevard, Suite #3
Jacksonville, Florida 32216
(904) 724-7800
lkremin@sedaconstruction.com
For Riverdale Utility Holding, Inc.

Walt Trierweiler, Esq.
Austin Watrous, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399
(850) 488-9330
trierweiler.walt@leg.state.fl.us
watrous.austin@leg.state.fl.us

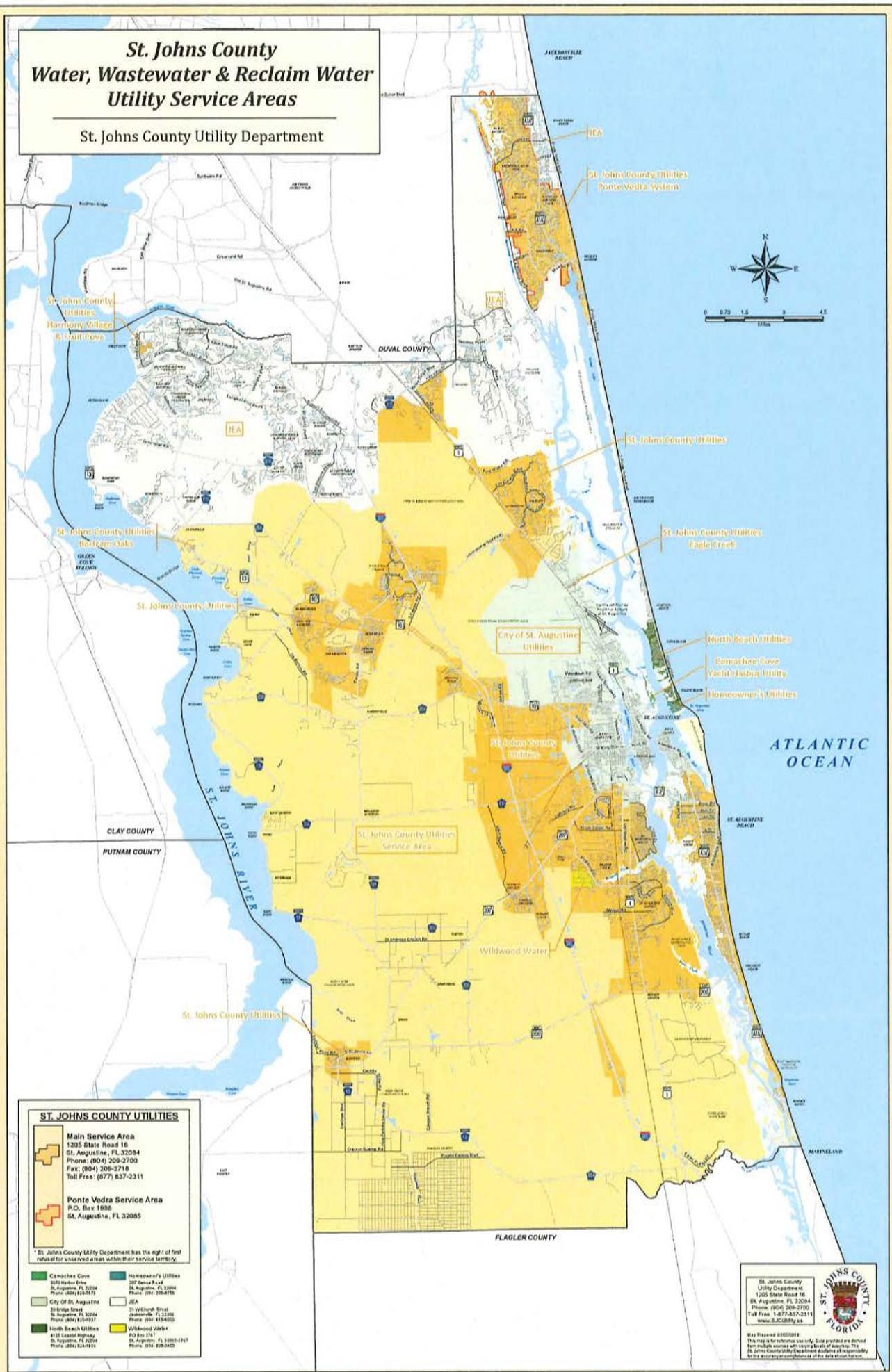
/s/ Heather J. Encinosa
HEATHER J. ENCINOSA

Exhibit A

St. Johns County Water, Wastewater & Reclaim Water Utility Service Areas

St. Johns County Water, Wastewater & Reclaim Water Utility Service Areas

St. Johns County Utility Department



ST. JOHNS COUNTY UTILITIES

Main Service Area
1205 State Road 16
St. Augustine, FL 32084
Phone: (804) 209-2700
Fax: (804) 209-2718
Toll Free: (877) 837-2311

Ponte Veda Service Area
P.O. Box 1888
St. Augustine, FL 32085

* St. Johns County Utility Department has the right of first refusal for unserved areas within their service territory.

Comanche Cove 300 Indian Isles St. Augustine, FL 32084 Phone: (804) 633-3171	Homeowner's Utilities 200 Green Road St. Augustine, FL 32084 Phone: (804) 208-8176
City of St. Augustine 50 Bridge Street St. Augustine, FL 32084 Phone: (804) 633-1937	JEA 31 1/2 Church Street Jacksonville, FL 32201 Phone: (904) 481-8400
North Beach Utilities 410 Coastal Highway St. Augustine, FL 32084 Phone: (804) 634-1451	Wildwood Water P.O. Box 1747 St. Augustine, FL 32084-1747 Phone: (804) 628-2400

St. Johns County
Utility Department
1205 State Road 16
St. Augustine, FL 32084
Phone: (804) 209-2700
Toll Free: 1-877-837-2311
www.SJCUtility.us



Map Provided 08/05/2011
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County Utility Department disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Exhibit B

July 24, 2023 Letter Regarding
Water & Sewer Availability –
Riverdale – Phase I



July 24, 2023

VIA Email: bleaptrott@cwieng.com

Beth Leaptrott, P.E.
Connelly & Wicker, Inc.
10060 Skinner Lake Dr., Suite 500
Jacksonville, FL 32246

**RE: Water & Sewer Availability
Riverdale - Phase 1**

PIN(s): 022010 0000

Ms. Leaptrott:

Based on the conditions listed below, St. Johns County Utility Department (SJCUD) will be able to serve 40 single family homes with a total anticipated water demand of 14,000 gallons per day (gpd) and wastewater flow of 11,200 gpd. **This letter cannot be used to obtain a building permit. A receipt of paid Unit Connections Fees (UCF) is required to obtain a building permit.**

Point of Connection - Water:

Potable water service can be provided by a new Water Treatment Plant (WTP) built to SJCUD standards. The St. Johns County Fire Department should be contacted regarding fire flow requirements for the site, and Developer must make provisions if the required flow is not available. See specific conditions section below.

Point of Connection - Wastewater:

The wastewater capacity can be provided by a new wastewater treatment system built to SJCUD standards. See specific conditions section below.

Point of Connection – Reclaimed Water:

This development is located outside of the County's Mandatory Reclaimed Water Service Area (MRWSA). Separate water distribution facilities shall be installed that will be supplemented with alternate water supplies for irrigation pursuant to County Ordinance 2022-37. In no case shall potable water be utilized for irrigation.

General Conditions:

1. If the development consists of residential rental units and/or commercial space, the on-site utilities will be privately owned and SJCUD is not responsible for maintenance.

Utilities

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2. Water and sewer conveyance are not absolutely guaranteed until the proposed development is issued a Concurrency Certificate. At that time, the developer must meet and agree with the SJCUD regarding any necessary infrastructure upgrades to accommodate the proposed development without affecting the existing level of services to its customers.
3. The availability of capacity will expire 180 days from the date of this letter on **January 20, 2024**. All necessary fees must be paid to guarantee a specific number of Equivalent Residential Connections pursuant to County Ordinance 2022-37.
4. Prior to submitting construction plans, please have the Engineer of Record contact SJCUD Engineering for copies of as-built information regarding the connection point and relevant Utility information related to FDEP permitting. Your Engineer and Contractor must field verify the size and location of all utilities prior to design and construction.
5. The Engineer of Record shall provide a Utility Master Plan for this development to detail the conditions generally outlined in this letter.

Specific Conditions (including offsite improvements):

1. The execution of a Utility Service Agreement with the County is required as a condition of service for this development. A meeting was held May 3rd, 2023 with the Developer's team to discuss various needs and concerns regarding service for this development. Below is a summary of terms that will be included in the Utility Service Agreement based on the discussion from the May 3rd meeting and the anticipated 100 lots:
 - a. Developer is required to design, permit and construct Potable Water Treatment and Wastewater Treatment Facilities (Treatment Facilities) to serve 100 single family units. The Treatment Facilities shall be dedicated to the County to own and operate upon construction completion. Please note that the 100-lot sizing was determined to be the realistic near-term phasing for developing the existing platted lots in this area based on the conversation during the May 3rd meeting. Based on previous meetings and planning documents, it has been indicated that the Developer owns approximately 370 lots in the Riverdale area, which may ultimately be developed over time. This letter does not cover all of the 370 lots, as additional evaluation and review would be needed for those future phases.
 - b. SJCUD must approve the design of the Treatment Facilities. On June 15, 2023 SJCUD submitted wastewater treatment design concepts to the Developer with budgetary information. However, the Developer has not yet submitted any specifications on the water treatment design.
 - c. The Utility Service Agreement will include cost share terms for the Developer to pay an agreed upon proportional fair share contribution towards the construction of the Treatment Facilities based upon a cost per lot value for service, hypothetically estimated at the May 3rd meeting to be \$10,000/lot for Water, and \$15,000/lot for Wastewater (total of \$2,500,000 for 100 lots). The County will fund the cost difference beyond the

proportional fair share contribution to complete the Treatment Facilities. The final proportional share cost per lot is subject to appropriate documentation and approval by the County.

- d. The Developer will be responsible for designing, permitting, and construction of the potable water distribution and wastewater collection system infrastructure for the development.

If you have any questions, please contact me at 904.209.2614 or tshoemaker@sjcfl.us.

Sincerely,

Teri Shoemaker

Teri L. Shoemaker, P.E.
St. Johns County Utility Department