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| State of Florida  pscSEAL | | Public Service Commission  Capital Circle Office Center ● 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850  -M-E-M-O-R-A-N-D-U-M- | |
| DATE: | June 27, 2024 | | |
| TO: | Office of Commission Clerk (Teitzman) | | |
| FROM: | Division of Engineering (Ramirez-Abundez, Ramos)  Office of the General Counsel (Dose, Crawford) | | |
| RE: | Docket No. 20240095-WS – Resolution of the Board of County Commissioners of Citrus County declaring Citrus County subject of the provisions of Sections 367, F.S. | | |
| AGENDA: | 07/09/24 – Regular Agenda – Interested Persons May Participate | | |
| COMMISSIONERS ASSIGNED: | | | All Commissioners |
| PREHEARING OFFICER: | | | Administrative |
| CRITICAL DATES: | | | None |
| SPECIAL INSTRUCTIONS: | | | None |

Case Background

On May 28, 2024, the Board of County Commissioners of Citrus County (County) adopted Resolution No. 2024-040 (Resolution, Attachment A), transferring regulation of the privately-owned, for profit water and wastewater utilities in the County to the Florida Public Service Commission (Commission). Effective upon the adoption of the resolution, all non-exempt water and wastewater systems in the County became subject to the provisions of Chapter 367, Florida Statutes (F.S.). Therefore, the effective date of the transfer of jurisdiction is May 28, 2024. This recommendation addresses the acknowledgement of that Resolution. The Commission has jurisdiction pursuant to Section 367.171, F.S.

Discussion of Issues

Issue 1:

 Should the Commission acknowledge Resolution No. 2024-040 by the Board of County Commissioners of Citrus County?

Recommendation:

 Yes. The Commission should acknowledge Resolution No. 2024-040 by the Board of County Commissioners of Citrus County, effective May 28, 2024. All non-exempt, privately-owned water and wastewater utilities in Citrus County should be directed to comply with the provisions of Chapter 367, F.S. (Ramirez-Abundez, Dose)

Staff Analysis:

 On May 28, 2024, the Board of County Commissioners of Citrus County passed and adopted Resolution No. 2024-040, which transfers jurisdiction over the County's privately-owned water and wastewater utilities to the Commission. In addition, staff has contacted the County requesting information on each utility’s current rates, charges, and territory served. As part of its response to staff, the County provided a list of its 13 privately-owned water and wastewater utilities, which is appended to this recommendation as Attachment B. Since they are now subject to Chapter 367, F.S., each utility must continue to collect the rates and charges for water and wastewater service which were being collected on May 28, 2024, until changed by the Commission.

Staff has contacted the Florida Department of Environment Protection (DEP) to advise it of the Resolution, and to obtain a list of all privately-owned water and wastewater facilities in Citrus County, which the DEP monitors for environmental compliance. The utilities identified by the County and the DEP will receive a letter from Commission staff advising them of the transfer of jurisdiction and providing them with information to determine whether or not they are exempt from Commission regulation, pursuant to Section 367.022, F.S.

Entities which are not exempt from Commission regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets. These applicants will also be advised of their responsibility to file an annual report for 2024, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit Annual Regulatory Assessment Fees (RAFs). The applicants will also be advised of their right to file for a pass-through of RAFs should they not be currently collecting RAFs, or if they are collecting a lesser amount than they would be paying to the Commission.

Staff recommends that the Commission acknowledge Resolution No. 2024-040 by the Board of County Commissioners of Citrus County, effective May 28, 2024. All non-exempt, privately-owned water and wastewater utilities in Citrus County should be directed to comply with the provisions of Chapter 367, F.S.

Issue :

 Should this docket be closed?

Recommendation:

 This docket should remain open to process letters to water and wastewater operators and their subsequent responses. Upon staff’s verification that the final response from a water or wastewater system operator affirming exemption status has been received and that no further action is necessary, this docket should be closed administratively. (Dose)

Staff Analysis:

 This docket should remain open to process letters to water and wastewater operators and their subsequent responses. Upon staff’s verification that the final response from a water or wastewater system operator affirming exemption status has been received and that no further action is necessary, this docket should be closed administratively.







