

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CENTURY GROUP,) DOCKET NO. 881003-SU
INC. for sewer certificate in Pasco) ORDER NO. 22392
County) ISSUED: 1-9-90
_____)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
THOMAS M. BEARD
BETTY EASLEY
GERALD L. GUNTER

FINAL ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Background

Century Group, Inc. (Century) operates a sewer system at the Arbor Oaks Mobile Home Park (Arbor Oaks). Century is a Class C utility providing service to approximately 99 customers at the mobile home park. Arbor Oak's 1988 Income Statement shows \$2,761 in gross annual revenue and an operating loss of \$7,157.

Century has its own sewer plant and resells water from Pasco County through a master meter. Century was recently granted a water certificate in Docket No. 891010-WU. The utility has been providing service to Arbor Oaks for several years.

In Docket No. 870865-WS, initiated by a customer complaint, this Commission determined the jurisdictional status of the Arbor Oaks system, as well as five other utilities owned by Century Realty Funds (CRF) or its affiliates. By Order No. 18727, issued January 25, 1988, we declared Arbor Oaks to be jurisdictional and required CRF to apply for a sewer certificate for the utility.

Therefore, we initiated this docket to process Century's application for an original sewer certificate. Pasco County filed a protest to Arbor Oaks' application for a certificate based on a contract arrangement providing that, when Pasco County was able to serve the mobile home park, it would connect

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to the County's system. We then referred this matter to the Division of Administrative Hearings for hearing. However, after the parties resolved Pasco County's concerns, the County subsequently withdrew its objection prior to the scheduled hearing. The hearing officer then referred the matter back to this Commission for our final disposition of the application.

On July 25, 1988, Century filed its application for a sewer certificate to provide service to the Arbor Oaks Mobile Home Park. The service territory consists of 157 mobile home lots with approximately 99 spaces occupied at this time.

Application

The application is in compliance with Section 367.041, Florida Statutes, and Rule 25-30.035, Florida Administrative Code. The applicant has paid its filing fee and provided proof of ownership of the land upon which the treatment facilities are located. The application included adequate territory and system maps, and a legal description of the territory to be served, which is attached to this Order as Attachment "A".

Noticing requirements have been met in accordance with Rule 25.30.030, Florida Administrative Code. The sole objection to the application that was received, as noted earlier, has been resolved. Century has operated this utility since 1986 and has demonstrated the financial ability to continue operating the system in a satisfactory manner. The Department of Environmental Regulation has informed us that there are no outstanding citations or violations for this utility system.

Upon consideration of the foregoing, we find it is in the public interest to grant Century Group sewer Certificate No. 459-S to provide service to the territory described in Attachment "A".

Rates

The utility presently charges its customers a flat rate of \$15.00 per month for water and sewer service, when a mobile home space is occupied, and \$7.50 per month when not occupied. In Docket No. 891010-WU, we approved flat rates for this system of \$7.00 per month for water service when a residence is

occupied and \$3.50 per month when a residence is unoccupied. In this docket, the Applicant has requested a flat sewer rate of \$8.00 when a residence is occupied and \$4.00 per month when a residence is unoccupied. When a lot is to be unoccupied, the resident will communicate the fact that he or she is leaving to the resident manager and he or she will be charged the reduced rate for sewer service during his or her absence. The utility has been collecting these rates since its inception. We find the utility's rates to be reasonable and, therefore, find it appropriate that it continue to charge them until it requests a rate change. At that time, we will address the issue of whether Century should utilize metered rates. The utility filed its sewer tariff along with its application for a certificate, which reflects the above rates.

Century does not charge any utility-related connection fee. It charges its residents, who rent their spaces from Century, but own their own manufactured homes, a fee of \$750.00 as an initial charge. None of this fee goes toward the operation of Century's water or sewer plant, nor is it retained by Century in any form. Out of this \$750.00 fee, Century pays the following fees to Pasco County: a \$715.00 "transportation fee"; a \$150.00 "parks and recreation fee"; a "new home fee" of \$40.00; and a "radon research fee," which is based on square footage, but which averages about \$7.00. Further, neither customer deposits nor miscellaneous service charges are collected.

Annual Report and Regulatory Assessment
Fees for 1988 and a Portion of 1989

Because we found, in Order No. 18727, issued January 25, 1988, that this utility is subject to Commission jurisdiction, we find it appropriate to require that Century file a 1988 Annual Report and pay regulatory assessment fees for 1988 and the first six months of 1989. The utility shall have 45 days from the date of this Order to comply with these requirements.

No further action is required in this docket. Therefore, this docket is hereby closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that sewer

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Certificate No. 459-S is hereby granted to Century Group, Inc., 4935 Southfork Drive, Lakeland, Florida 33803, to serve Arbor Oaks Mobile Home Park, the territory of which is described in Attachment "A", appended to this Order. It is further

ORDERED that Century Group, Inc., shall continue to charge the present flat rate for sewer service of \$8.00 per month when a residence is occupied and \$4.00 per month when a residence is unoccupied. No charge shall be levied for service availability, miscellaneous service, or customer deposits. It is further

ORDERED that, within 45 days from the date of this Order, Century Group, Inc., shall file a 1988 Annual Report and pay regulatory assessment fees for 1988 and the first six months of 1989. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission,
this 9th day of JANUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

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ATTACHMENT "A"

DESCRIPTION FOR CENTURY GROUP, INC.

PASCO COUNTY

SERVICE TERRITORY DESCRIPTION (ARBOR OAKS MOBILE HOME PARK)

Township 26 South, Range 21 East

In Section 09

The SW 1/4 of the NE 1/4 of the NW 1/4 and the S 1/2 of the SE 1/4 of the NE 1/4 of the NW 1/4 and the N 1/2 of the N 1/2 of the SE 1/4 of the NW 1/4.