

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for )  
Cancellation of Certificates )  
Nos. 530-W and 463-S in Nassau )  
County, and Amendment of )  
Certificates Nos. 236-W and )  
179-S in Duval County to )  
Include Territory in Nassau )  
and St. Johns Counties by )  
JACKSONVILLE SUBURBAN )  
UTILITIES CORPORATION. )

DOCKET NO. 920877-WS  
ORDER NO. PSC-93-0201-FOF-WS  
ISSUED: 02/09/93

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER APPROVING UTILITY'S REQUEST TO CONSOLIDATE TERRITORY UNDER CERTIFICATES NOS. 236-W AND 179-S, REQUIRING UTILITY TO RETURN CERTIFICATES FOR REVISION, CANCELLING CERTIFICATES NOS. 530-W AND 463-S, AND APPROVING RATES AND CHARGES

BY THE COMMISSION:

BACKGROUND

Jacksonville Suburban Utilities Corporation (Jacksonville Suburban or utility) is a Class A utility providing water and wastewater service to approximately 83,888 water and 105,763 wastewater customers. The annual report for 1991 indicates that the consolidated annual operating revenue for the intrastate system is \$ 15,364,416 and net operating income is \$ 4,206,005.

On January 18, 1991, Jacksonville Suburban filed a Petition for Declaratory Statement requesting that we determine whether the Commission had exclusive jurisdiction over the water and wastewater facilities owned and operated by Jacksonville Suburban in Duval, Nassau, and St. Johns Counties pursuant to Section 367.171(7), Florida Statutes, which provides that:

Notwithstanding anything in this section to the contrary, the commission shall have exclusive jurisdiction over all utility systems whose service transverses county boundaries, whether the counties involved are

DOCUMENT NUMBER-DATE

01559 FEB-93

FPSC-RECORDS/REPORTING

jurisdictional or nonjurisdictional, except for utility systems that are subject, to and remain subject to, inter-local utility agreements in effect as of January 1, 1991, that create a single governmental authority to regulate the utility systems whose service transverses county boundaries, provided that no such inter-local agreement shall divest commission jurisdiction over such systems, any portion of which provides service within a county that is subject to commission jurisdiction under s. 367.171.

By Order No. 24335, issued April 8, 1991, the Petition for Declaratory Statement was granted. In that Order, the Commission found Jacksonville Suburban's combination of functionally related facilities and land to be a utility system whose service transverses county boundaries; therefore, the Commission has exclusive jurisdiction over this utility.

On April 23, 1991, St. Johns County filed a Motion For Reconsideration of Order No. 24335. By Order No. 24684, issued June 20, 1991, the Commission denied the County's Motion. On July 22, 1991, a Notice of Administrative Appeal of Order No. 24684 was filed by St. Johns County. On June 5, 1992, the Court affirmed the Commission's Order and held that the Commission had exclusive jurisdiction over Jacksonville Suburban in St. Johns County. Board of County Commissioners of St. Johns County and the St. Johns County Water and Sewer Authority v. Beard, et al., 601 So. 2d 590 (Fla. 1st DCA 1990)

On August 31, 1992, the utility filed a Petition for Consolidation of its territory in Nassau and St. Johns Counties under water and wastewater Certificates Nos. 236-W and 179-S serving Duval County. The utility serves water and wastewater customers in Nassau County pursuant to Certificates Nos. 530-W and 463-S. Prior to St. Johns County rescinding the Commission's jurisdiction over its privately-owned water and wastewater systems on September 26, 1989, Jacksonville Suburban operated the St. Johns County system under Certificates Nos. 475-W and 411-S.

#### Application

The utility submitted adequate territory and system maps and evidence that the utility owns the land upon which the utility's facilities are located. The utility has consistently demonstrated its financial and technical ability to provide safe and reliable service to its customers. The Department of Environmental

Regulation and Bio-Environmental Services have stated that the utility has no outstanding citations or violations.

In its Petition, Jacksonville Suburban requested that it be allowed to combine all of its currently certificated territory in Nassau and St. Johns Counties under Certificates Nos. 236-W and 179-S in Duval County. The currently approved territories of both Nassau and St. Johns counties will be added to the Jacksonville Suburban Duval County Certificates. Jacksonville Suburban contends that combining all of its territory into one multi-county water and one multi-county wastewater certificate will be more efficient for filing annual reports and paying regulatory assessment fees.

In consideration of the foregoing, we believe that the public interest would be better served by amending water certificate no. 236-W and wastewater certificate no. 179-S to include territory served in Nassau and St. Johns counties as described in Attachments A and B for each County, respectively. The utility must return Certificates Nos. 236-W and 179-S for proper revision within 30 days of the date of this Order. Furthermore, Certificates Nos. 530-W and 463-S shall be returned to the Commission within 30 days for cancellation.

#### Rates and Charges

The utility's approved rates for Duval and Nassau Counties were effective July 3, 1992, pursuant to a Price Index Pass-Through. The St. Johns County systems' rates are the uniform rates for Jacksonville Suburban. The Commission authorized the utility to charge its uniform rates when each of the two St. Johns County systems was acquired. The Ponce de Leon system was transferred to Jacksonville Suburban by Order No. 22794, issued April 10, 1990. The St. Johns North system was transferred to Jacksonville Suburban by Order No. 23111, issued June 25, 1990. Since then, Jacksonville Suburban has increased the St. Johns County systems' rates along with the increases received from the Commission, so the rates have continued to be uniform.

The service availability charges approved by the Commission for the St. Johns County systems have not been changed. The Jacksonville Suburban uniform meter installation charges were approved for both St. Johns County systems. The Ponce de Leon system has an approved Guarantee Revenue Charge of \$37.50 per equivalent residential connection (ERC) per month. The existing service availability charges for the St. Johns County systems are as follows:

St. Johns North

Water Plant Capacity Charge           \$240.00 per ERC  
Wastewater Plant Capacity Charge   \$510.00 per ERC

Ponce de Leon

Water System Capacity Charge       \$100.00 per ERC  
Wastewater Plant Capacity Charge   \$500.00 per ERC

We find it appropriate that the rates and charges contained in the utility's approved tariff continue to be applied to customers in Duval and Nassau Counties. The existing rates and charges in St. Johns County shall continue to be applied for those systems.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Jacksonville Suburban Utilities Corporation's Petition for Consolidation of its territory in Nassau and St. Johns Counties under water and wastewater Certificates Nos. 236-W and 179-S serving Duval County be granted. It is further

ORDERED that Certificates Nos. 236-W and 179-S shall be returned to the Commission for proper revision within 30 days of the date of this Order. It is further

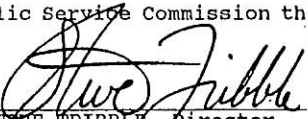
ORDERED that Certificates Nos. 530-W and 463-S shall be returned to the Commission for cancellation. It is further

ORDERED that the utility shall continue to charge the rates and charges approved in the utility's tariff until authorized to change by this Commission. It is further

ORDERED that the rates and charges for the St. Johns County systems be continued.

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 9th day of February, 1993.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

LAJ

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

ATTACHMENT A

Page 1 of 2

WATER TERRITORY

The following described lands located in portions of the following sections, townships and ranges within Nassau County, Florida:

Township 2 North, Range 26 East, Sections 1, 2, 11, 12, 13, 23, 24, 25, 26, and 39.

Township 3 North, Range 26 East, Sections 35, 36, and 41.

Township 1 North, Range 27 East, Sections 2 and 3.

Township 2 North, Range 27 East, Sections 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, 38, 42, 43, 44, and 45.

Township 3 North, Range 27 East, Sections 50, 51, 52, and 53.

Those certain lands lying and being situate in Nassau County, Florida, and being more fully described as follows:

That area bounded to the west by the east bank of Plummer Creek and along said creek from A1A (SR 200) to the Nassau/Duval county line. Thence Easterly along the common boundary between said counties to the west bank of Lofton creek. Thence Northerly along said creek crossing A1A (SR 200) for a distance of one mile, thence Westerly and one mile parallel of A1A (SR 200) to the East bank of Plummer Creek, then Southerly along said creek to A1A (SR 200) and the point of beginning.

Less and except all parcels of land contained in Section 44 North of the centerline of the right-of-way of State Road 200, east of ITT Rayonier private forest road #21, and west of the centerline of the CSX railroad right-of-way contained in Township 2 North, Range 27 East, Nassau County, Florida.

Less and except all parcels of land contained in Sections 50 and 51 North of the centerline of the right-of-way of State Road 200 and West of the centerline of the CSX railroad right-of-way lying in Township 3 North, Range 27 East, Nassau County, Florida.

WASTEWATER TERRITORY

The following described lands located in portions or the following sections, townships and ranges within Nassau County, Florida:

Township 2 North, Range 26 East, Sections 1, 2, 11, 12, 13, 23, 24, 25, 26, and 39.

Township 3 North, Range 26 East, Sections 35, 36, and 41.

Township 1 North, Range 27 East, Sections 2 and 3.

Township 2 North, Range 27 East, Sections 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, 38, 42, 43, 44, and 45.

Township 3 North, Range 27 East, Sections 50, 51, 52, and 53.

Those certain lands lying and being situate in Nassau County, Florida, and being more fully described as follows:

That area bounded to the west by the east bank of Plummer Creek and along said creek from ALA (SR 200) to the Nassau/Duval county line. Thence Easterly along the common boundary between said counties to the west bank of Lofton creek. Thence Northerly along said creek crossing ALA (SR 200) for a distance of one mile, thence Westerly and one mile parallel of ALA (SR 200) to the East bank of Plummer Creek, then Southerly along said creek to ALA (SR 200) and the point of beginning.

Less and except all parcels of land contained in Section 44 North of the centerline of the right-of-way of State Road 200, east of ITT Rayonier private forest road #21, and west of the centerline of the CSX railroad right-of-way contained in Township 2 North, Range 27 East, Nassau County, Florida.

Less and except all parcels of land contained in Sections 50 and 51 North of the centerline of the right-of-way of State Road 200 and West of the centerline of the CSX railroad right-of-way lying in Township 3 North, Range 27 East, Nassau County, Florida.

WATER TERRITORY

Sections 17, 18, 19 and 20, Township 6 South, Range 30 East, St. Johns County, Florida.

PARCEL 1 - Commence at North East corner, Section 19, Township 6 South, Range 30 East, St. Johns County, Florida for a Point of Beginning. Thence run North 89°15' West for a distance of 297'; thence run South 06°06'30" East for a distance of 993.04'; thence run North 89°15' East 1,002.02± feet to the waters of the Atlantic Ocean; thence run northerly along waters of Atlantic Ocean 1,503± feet; thence run North 89°15' West 262.52'; thence run South 100' along West R/W of 1A1A; thence run North 89°15' West 269.55'; thence run South 0°45' East 390.97' to the Point of Beginning.

PARCEL 2 - Commence at South West corner of Section 20, Township 6 South, Range 30 East, St. Johns County, Florida for Point of Beginning. Thence run North 89°15' East 1,760± feet to the waters of Atlantic Ocean; thence run Northerly along waters of Atlantic Ocean 1,486.69± feet; thence run North 89°15' West 1,438.14'; thence run South 0°45'00" East 1,486.69 feet to the Point of Beginning.

PARCEL 3 - Commence at the Northeast corner of Section 19, Township 6 South, Range 30 East, St. Johns County, Florida; thence run South 89°15' West along the North line of said Section 19 for a distance of 297 feet; thence run South 6°6'30" East for a distance of 993.04 feet to the Point of Beginning. From the Point of Beginning thus obtained, thence run South 6°6'30" East for a distance of 2,188.2 feet; thence run South 0°45' East along the East line of Section 19, Township 6 South, Range 30 East, St. Johns County, Florida for a distance of 625.31 feet; run thence North 89°15' East for a distance of 1,438.14 feet to the edge of the Atlantic Ocean, thence run in a Northwesterly direction along the edge of the Atlantic Ocean for a distance of 2,875 feet more or less to a point that is 1,000.02 feet North 89°15' East from the point of beginning; thence run South 89°15' West for a distance of 1,000.02 feet to the point of beginning.



ATTACHMENT B

Page 2 of 5

PARCEL 4 - Commence at the Southwest corner of Section 17, Township 6 South, Range 30 East, St. Johns County, Florida, run thence North 0°45' West along the West line of said Section 17 for a distance of 390.97 feet; thence run North 89°15' East for a distance of 269.55 feet; thence run North 12°57' West along the Southwesterly right-of-way line of Florida State Road A1A for a distance of 100 feet; thence run North 89°15' East for a distance of 262.52 feet to a point on the approximate water line of the Atlantic Ocean; said point being the point of beginning. From the point of beginning

thus obtained, thence run South 89°15' West for a distance of 262.52 feet; thence run South 12°57' East along the Southwesterly right-of-way line of Florida State Road A1A for a distance of 100 feet; thence run South 89°15' West for a distance of 269.55 feet; thence run South 0°45' East along the East line of Section 18, Township 6 South, Range 30 East for a distance of 390.97 feet to the Southeast corner of said Section 18, thence run South 89°15' West along the South line of Section 18, Township 6 South, Range 30 East for a distance of 297 feet; thence run North 45°45' West for a distance of 726 feet; thence run North 71°45' West for a distance of 792 feet; thence run North 5°15' East for a distance of 1,245.43 feet; thence run South 89°15' West for a distance of 3,050 feet more or less to the Easterly line of the Intercoastal Waterway, thence run in a Northeasterly direction along the Intercoastal Waterway and the Southeasterly line of Guano Creek to its intersection with the North line of Section 18, Township 6 South, Range 30 East, St. Johns County, Florida; thence run North 89°15' East for a distance of 1,000 feet more or less to the Northwest corner of a County park; thence run South 4°22'40" East along said park for a distance of 100.20 feet; thence run North 89°15' East along the Southerly line of said County park for a distance of 904.22 feet to the approximate water line of the Atlantic Ocean; thence run in a Southeasterly direction along the approximate water line of the Atlantic Ocean for a distance of 4,980 feet more or less to the Point of Beginning.

WATER TERRITORY

Section 57, Township 4 South, Range 27 East,

and

Sections 5, 8, 38, 39, and 42, Township 5 South, Range 27 East.

All of the land lying in Section 57 of Township 4 South, Range 27 East, St. Johns County, Florida, all of the land in Sections 38 and 42 of Township 5 South, Range 27 East, St. Johns County, Florida, lying east of the centerline of State Road 13, all of the land lying in Sections 5 and 8 of Township 5 South, Range 27 East, St. Johns County, Florida, and all of the land in Section 39 of Township 5 South, Range 27 East, St. Johns County, Florida, lying north of the centerline of St. Johns County Road Number 11 (Bombing Range Road).

Less and except the following described lands:

The Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 lying within Township 5 South, Range 27 East, Section 5, St. Johns County, Florida.

That portion of Township 5 South, Range 27 East, Section 38, St. Johns County, Florida, lying West of State Road 13, and North of Mill Creek.

That portion of Township 4 South, Range 27 East, Section 57, St. Johns County, Florida, lying West of State Road 13.

The southeasterlymost 1/4 of the Southeast 1/4 of Section 5, Township 5 South, Range 27 East, St. Johns County, Florida.

All of Section 39, Township 5 South, Range 27 East, St. Johns County, Florida, lying Westerly of State Road 13 and Northeasterly of Mill Creek.

ATTACHMENT B

Page 4 of 5

WASTEWATER TERRITORY

Section 57, Township 4 South, Range 27 East,

and

Sections 5, 8, 38, 39, and 42, Township 5 South, Range 27 East.

All of the land lying in Section 57 of Township 4 South, Range 27 East, St. Johns County, Florida, all of the land in Sections 38 and 42 of Township 5 South, Range 27 East, St. Johns County, Florida, lying east of the centerline of State Road 13, all of the land lying in Sections 5 and 8 of Township 5 South, Range 27 East, St. Johns County, Florida, and all of the land in Section 39 of Township 5 South, Range 27 East, St. Johns County, Florida, lying north of the centerline of St. Johns County Road Number 11 (Bombing Range Road).

Less and except the following described lands:

The Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 lying within Township 5 South, Range 27 East, Section 5, St. Johns County, Florida.

That portion of Township 5 South, Range 27 East, Section 38, St. Johns County, Florida, lying West of State Road 13, and North of Mill Creek.

That portion of Township 4 South, Range 27 East, Section 57, St. Johns County, Florida, lying West of State Road 13.

The southeasterlymost 1/4 of the Southeast 1/4 of Section 5, Township 5 South, Range 27 East, St. Johns County, Florida.

All of Section 39, Township 5 South, Range 27 East, St. Johns County, Florida, lying westerly of State Road 13 and northeasterly of Mill Creek.

ATTACHMENT B

Page 5 of 5

WASTEWATER TERRITORY

Sections 17, 18, 19 and 20, Township 6 South, Range 30 East, St. Johns County, Florida.

Commence at the intersection of the North line of said Section 18 with the West line of State Road 11A (A 66.0 foot right of way); thence South  $89^{\circ}15'00''$  West, 627.87 feet; thence South  $04^{\circ}22'40''$  East, 100.20 feet to the point of beginning; thence continue South  $04^{\circ}22'40''$  East, 1,857.36 feet; thence South  $05^{\circ}15'00''$  West, 2,640.0 feet; thence South  $71^{\circ}45'00''$  East, 792.0 feet; thence South  $45^{\circ}45'00''$  East, 726.00 feet; thence South  $06^{\circ}06'30''$  East, 3,181.24 feet; thence South  $00^{\circ}45'00''$  East, 625.31 feet; thence continue South  $0^{\circ}45'0''$  East, 1,486.69 to the Southwest corner of Section 20, continue North  $89^{\circ}15'$  East 1,770 feet more or less to the waters of the Atlantic Ocean thence northerly along waters of said Ocean and following its meandering thereof 10,860 feet more or less to a point that is North  $89^{\circ}15'00''$  East, from the Point of Beginning; thence North  $89^{\circ}15'00''$  West, 905 feet, more or less, to the Point of Beginning.