

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Landis) DOCKET NO. 930332-WU
Enterprises, Inc. for a Water) ORDER NO. PSC-93-1550-FOF-WU
Certificate in Alachua County,) ISSUED: October 21, 1993
Florida.)
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER GRANTING CERTIFICATE AND REQUIRING
PAYMENT OF REGULATORY ASSESSMENT FEES

AND

NOTICE OF PROPOSED AGENCY ACTION

ORDER SETTING RATES AND CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein regarding the setting of rates and charges is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On March 26, 1993, Landis Enterprises, Inc. (Landis or Utility) filed an application with this Commission for a certificate to provide water service in Alachua County. The Utility has been in operation since about 1969 under the name of Lake Alto Water System (Lake Alto).

This Commission received jurisdiction over water and wastewater utilities in Alachua County when the County passed a resolution transferring jurisdiction on June 30, 1992. At that time, the former owner abandoned Lake Alto. Mr. Hank Landis, owner of Landis Enterprises, Inc., became the court-appointed receiver of

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the water system, and subsequently purchased the system on March 8, 1993. Since Mr. Landis did not own the system at the time this Commission received jurisdiction, he could not obtain a grandfather certificate. Landis filed for an original certificate on March 26, 1993.

Application

The application, as filed, contained deficiencies. The deficiencies have been corrected, and the official filing date of the application is August 13, 1993 (the date final deficiencies were corrected). The application is now in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$150, pursuant to Rule 25-30.020, Florida Administrative Code. Landis also provided evidence in the form of a special warranty deed that it owns the land upon which its facilities are located, as required by Rule 25-30.034(1)(e), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.034 (1)(h), (i) and (j), Florida Administrative code. The territory served by the Utility is described on Attachment A of this Order, which by reference is incorporated herein.

The utility also provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers. No objections to the application have been received and the time for filing such has expired.

According to the Department of Environmental Protection (DEP), there are no outstanding violations against the Utility. The former owner was in violation of DEP standards regarding water testing and as-built system maps; Landis has corrected these deficiencies.

Mr. Landis has over ten years experience in the water and wastewater industry; has hired a certified operator to operate the Lake Alto system; and will hire a registered engineer when needed. Also, according to information provided with the application, Landis can meet the major expenditures of the utility operations. It should also be noted that there are no other utilities in the area which could serve the territory requested.

Therefore, we find that it is in the public interest to grant Landis Enterprises, Inc. Certificate No. 556-W to serve the territory described in Attachment A of this Order.

Rates and Charges

As stated previously, Lake Alto has been in operation since 1969, and has existing rates and charges. The Utility has been unable to provide a copy of the formal approval of its rate schedules by the Board of County Commissioners since Alachua County never set rates. The Utility has also been unable to provide billing records to verify the rates and charges.

According to information provided by the applicant, the rate acknowledged in the Circuit Court abandonment order was \$6.50 and included 1,000 gallons of water. Each additional 1,000 gallons of water is charged at \$2.30. Our Staff met with the former owner, Mr. Jim Arnold, prior to the system being abandoned. Mr. Arnold asserted that the minimum charge was \$6.50, including 2,000 gallons of water, and each additional 1,000 gallons of water is charged at \$2.30. This is the rate that Mr. Landis has requested to charge, as noted below.

Residential Service - Water

Monthly Rates

Minimum Charge - \$6.50 (includes 2,000 gallons of water)
Consumption Over the Minimum - \$2.30 per 1,000 gallons

We find these rates to be reasonable and they are approved. Landis shall charge its residential customers these rates until authorized to change by this Commission. In addition, although there are none at this time, these rates are approved for future General Service Customers.

From information filed with the application, it has been determined that the Utility has a disconnect/reconnect fee of \$20.00 and a fee in lieu of disconnect of \$10.00. There are no records to verify these charges. Landis has requested to implement a \$100 initial connection charge, a \$100 normal reconnection fee, a \$100 violation reconnection fee and a \$15 premises visit fee. The Utility has not, however, provided justification for these charges.

Normally, this Commission approves miscellaneous service charges set forth in the Staff Advisory Bulletin No. 13. These rates are as follows:

Miscellaneous Service Charges

Initial Connection Fee	\$ 15.00
Normal Connection Fee	\$ 15.00
Violation Reconnection Fee	\$ 15.00
Premises Visit Fee	\$ 10.00

We find these charges to be appropriate and they are approved. Should Landis feel these charges are insufficient, it may file an application for a rate increase at a later date, with supporting justification for higher charges.

Currently, Landis does not charge a plant capacity charge, meter installation charge, tap-in charge or line extension charge. The service availability charges which the Utility has requested to implement are set forth below. We find these charges to be reasonable and they are approved.

Service Availability Charges

Plant Capacity Charge	\$ 300.00
Meter Installation Fee (Where service is not presently provided)	
5/8" x 3/4"	\$ 120.00
Larger Meter Size	Actual Cost
Main Extension Charge Per Equivalent Residential Connection (ERC)	\$ 120.00
Customer Connection (tap-in) Charge	
5/8" x 3/4"	\$ 120.00
Larger Meter Size	Actual Cost
Back Flow Preventor (when requested or required)	Actual Cost
Inspection Fee For New Construction	Actual Cost
Plan Review Charge For New Construction	Actual Cost

Although the Utility does not currently collect a customer deposit, Landis has requested to collect a deposit in the amount of \$30.00. We find this to be reasonable and it is approved. Landis has also requested a late payment charge of \$10.00 as an incentive for customers to make timely payments. However, we find that the appropriate late payment charge is \$3.00 for water and wastewater utilities based on estimates of labor and administrative costs. Landis is directed to include the following language with the late payment fee in its tariff:

This Charge will be levied when a customer's billing account is not paid within 20 days and is therefore delinquent.

Landis shall charge its customers the rates and charges approved herein until authorized to change by this Commission. Also, the Utility shall file tariff sheets reflecting the rates approved herein within 30 days of the effective date of this Order. The effective date of the tariff shall be the stamped approval date on the tariff sheets.

Regulatory Assessment Fees

Pursuant to Rule 25-30.120(2), Florida Administrative Code, regulatory assessment fees are due from regulated utilities regardless of whether a certificate has been granted. The Utility has been subject to this Commission's jurisdiction since June 30, 1992, when we received jurisdiction over water and wastewater utilities in Alachua County. Therefore, Landis shall pay regulatory assessment fees for the period of June 30, 1992 to December 31, 1992, within 60 days of the date of this Order. In addition, Landis shall file a statement of the monthly revenues for the same time period.

It is, therefore,

ORDERED by the Florida Public Service Commission that Landis Enterprises, Inc., 1391 Timberlane Road, Suite 103, Tallahassee, Florida 32312-1719, is hereby granted Certificate No. 556-W to provide water service to the territory described in Attachment A of this Order. It is further

ORDERED that Landis Enterprises, Inc. shall charge the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

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ORDERED that Landis Enterprises, Inc. shall file tariff sheets reflecting the rates and charges approved herein. The effective date of the tariff shall be the stamped approval date on the tariff sheets. It is further

ORDERED that Landis Enterprises, Inc. shall pay regulatory assessment fees for the period of June 30, 1992, to December 31, 1992, within 60 days of the date of this Order. Landis shall file a statement of the monthly revenues collected for the same time period. It is further

ORDERED that the provisions of this Order establishing rates and charges are issued as proposed agency action and shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of October, 1993.



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.

As identified in the body of this order, our action setting rates and charges is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 12, 1992. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date 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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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 wastewater 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.

ATTACHMENT A

LANDIS ENTERPRISES, INC.
(Lake Alto Water System)

Territory Description - Alachua County

A tract of land situated in Section 19, Township 8 South, Range 22 East, described as follows: Beginning in the Southeast corner of Section 19, Township 8 South, Range 22 East, and run North 00°39'20" West, along the East line of said Section 19, 900.00 feet; thence run South 88°50'40" West, 253.00 feet to the Point of Beginning. Thence continue South 88°50'40" West, 1067.00 feet. Thence run North 00°39'20" West, 1749.03 feet. Thence run North 88°50'40" East, 177.36 feet. Thence run South 01°09'20" East, 26.77 feet. Thence run North 88°50'40" East, 380.00 feet. Thence run North 01°09'20" West, 325.62 feet. Thence run North 88°50'40" East, 110.00 feet. Thence run North 00°39'20" West, 70.00 feet. Thence run South 88°50'40" West, 119.60 feet. Thence run North 01°09'20" West, 600.00 feet. Thence run North 88°50'40" East, 68.22 feet. Thence run North 01°09'20" West, 355.15 feet. Thence run North 88°48'47" East, 764.97 feet to the West Right-of-Way line of County Road N.E. 11. Thence run South 00°39'20" East, along said Right-of-Way line 2776.24 feet. Thence run South 88°50'40" West, 203.00 feet. Thence run South 00°39'20" East, 297.26 feet to the Point of Beginning.