

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930752-WU
certificate to provide water) ORDER NO. PSC-94-0234-FOF-WU
service in Gadsden County under) ISSUED: March 3, 1994
grandfather rights by JOYLAND)
WATER SYSTEM.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

FINAL ORDER GRANTING CERTIFICATE

AND

NOTICE OF PROPOSED AGENCY ACTION
ORDER ESTABLISHING RATES AND CHARGES

BY THE COMMISSION:

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

Background

On March 16, 1993, the Board of County Commissioners of Gadsden County adopted a resolution pursuant to Section 367.171, Florida Statutes, declaring that the privately owned water and wastewater utilities in that County are subject to the provisions of Chapter 367, Florida Statutes. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

On July 27, 1993, Joyland Water System (Joyland) filed an application for a certificate to provide water service in Gadsden County. Joyland provides water to approximately 44 residential

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customers within the Joyland Subdivision and two general service customers.

Application

Joyland's application complies with the governing statute, Section 367.171, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for a grandfather certificate for an existing utility currently charging for service. The application contains a check in the amount of \$150.00, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

The applicant has provided evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.035(6), Florida Administrative Code.

Adequate service territory, system maps and a territory description have been provided as prescribed by Rule 25-30.035(9), (10), and (11), Florida Administrative Code. A description of the territory requested by the applicant is appended to this memorandum as Attachment A. According to the Department of Environmental Protection there are no outstanding notices of violation.

Based on the above information, we find it is in the public interest to grant Joyland Water Certificate No. 559-W to serve the territory described in Attachment A of this Order.

Rates and Charges

Joyland's water rates and charges are as follows:

Monthly Service Rates

Residential and General Service

| | |
|----------------------|--------------------------|
| Base Facility Charge | \$7.50 |
| Gallage Charge | \$3.00 per 1,000 gallons |

Miscellaneous Service Charges

| | |
|--|---------|
| Initial Connection Fee | \$15.00 |
| Normal Reconnection Fee | \$15.00 |
| Violation Reconnection Fee | \$15.00 |
| Premises Visit (in lieu of disconnection) | \$10.00 |

Service Availability Charges

Meter Installation Fee \$35.00

Generally, the Commission approves by final action the rates and charges that are in effect for a utility on the date the Commission received jurisdiction in a county. However, since there was no documentation of Joyland's rates and charges because Joyland did not keep records of its billings, we find it appropriate to approve Joyland's rates and charges by proposed agency action.

As they are the rates and charges that were being charged by this system on the date we obtained jurisdiction in Gadsden County, we hereby approve the above rates and charges. Joyland has filed a tariff which reflects the above rates and charges. The effective date shall be the stamped approval date of the tariff.

Further, Joyland shall be required to pay Regulatory Assessment Fees for 1993 and file a 1993 Annual Report within 45 days of the date of this Order. Pursuant to Rule 25-30.120(2), Florida Administrative Code, "Any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has applied for or been issued a certificate" is required to pay regulatory assessment fees. Additionally, Rule 25-30.110(3), Florida Administrative Code, states that "(t)he obligation to file an annual report for any year shall apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate."

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Joyland Water System, 1333 E. Jefferson Street, Quincy, Florida 32351, is hereby granted Water Certificate No. 559-W to serve the territory described in Attachment A. It is further

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ORDERED that Joyland Water System shall charge the rates and charges approved in the body of this Order until it receives authorization to change them by the Commission. It is further

ORDERED that Joyland's tariff effective date shall be the stamped approval date. It is further

ORDERED by the Florida Public Service Commission that the provisions of this Order approving rates and charges are issued as proposed agency action and shall become final, unless a person whose interests are substantially affected files an appropriate petition in the form provided by Rule 25-22.036, Florida Administrative Code, with the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings or Judicial Review. It is further

ORDERED that, if no substantially affected person files a timely protest to the proposed agency action in this Order, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 3rd day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ELS

by: Kay J. [Signature]
Chief, Bureau of Records

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, except for the granting of the water certificate, 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 March 24, 1994. 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

Joyland Water System

TERRITORY DESCRIPTION

Lands lying and being in the East half of the Southwest quarter of Section 16, Township 2 North, Range 3 West, Gadsden County, Florida and more particularly described as follows: Begin at a concrete monument marking the Southeast corner of the East half of the Southwest quarter of Section 16, Township 2 North, Range 3 West, Gadsden County, Florida and thence run South 89°20'59" West, 372.76 feet along the South boundary of said East half of the Southwest quarter of Section 16 to an iron pipe on the Northeasterly right-of-way boundary of State Road No. 10; thence along said Northeasterly right-of-way boundary as follows: thence North 47°35'01" West 727.77 feet; thence South 42°24'59" West 25.00 feet; thence North 47°35'01" West 219.51 feet to an iron pipe for a point of curve, concave to the Northeast; thence Northwesterly along said curve with a radius of 11,359.20 feet through a central angle of 00°38'34" for an arc distance of 127.43 feet (chord of said arc being North 47°15'44" West, 127.43 feet) to the end of said curve; thence North 42°24'59" East, 10.00 feet to a point on a curve, concave to the Northeast; thence Northwesterly along said curve with a radius of 11,349.20 feet through a central angle of 00°56'19" for an arc distance of 185.90 feet (chord of said arc being North 46°28'18" West, 185.90 feet) to an iron pipe on the westerly boundary of said East half of the Southwest quarter; thence leaving said Northeasterly boundary run North 00°37'25" West along said Westerly boundary a distance of 1752.63 feet to an iron pipe on the Southerly right-of-way of an 80.00 foot roadway known as Selman Road; thence North 88°51'12" East along said southerly right-of-way a distance of 732.72 feet to an iron pipe; thence South 00°13'58" West, 1440.76 feet to a concrete monument; thence South 89°57'58" East, 603.53 feet to an iron pipe on the Easterly boundary of said East one half of the Southwest quarter; thence South 00°02'02" West along said easterly boundary, 1164.16 feet to the Point of Beginning. Said parcel contains 49.95 acres, more or less.