

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval to ) DOCKET NO. 941239-SU  
provide Citrus County with ) ORDER NO. PSC-95-0192-FOF-SU  
emergency temporary treatment ) ISSUED: February 9, 1995  
service for underdrain leachate )  
and surface leachate from Citrus )  
County Landfill by SOUTHERN )  
STATES UTILITIES, INC. )  
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER APPROVING NEW CLASS OF SERVICE

BY THE COMMISSION:

Southern States Utilities, Inc. (SSUI) is a Class A water and wastewater utility providing service to 95,383 water and 37,793 wastewater customers. SSUI's Citrus County System is located in a water caution use area. In 1993, SSUI reported total company operating revenues of \$26,637,790 and \$15,924,519; and a net income of \$5,499,148 and \$1,581,696 for its water and wastewater systems, respectively.

Pursuant to Section 367.091(4) Florida Statutes, on November 28, 1994, SSUI filed tariff sheets requesting approval to provide Citrus County (the County) with emergency, temporary treatment service for the underdrain leachate and surface leachate from the Citrus County landfill.

The County began having problems with nitrate levels at the leachate treatment plant located at its landfill in mid 1992. As a result of this ongoing problem, the Department of Environmental Protection (DEP) directed the County to have the underdrain leachate and surface leachate from the landfill transported elsewhere for treatment, pending completion of modifications to the County's leachate treatment plant.

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The terms underdrain, and surface leachate are defined as follows:

(a) Underdrain leachate refers to the liquids which leach through the landfilled materials and are captured above the landfill liner;

(b) Surface leachate basically refers to stormwater captured from the surface areas surrounding the landfill.

In August 1994, the County's Department of Public Works, Division of Solid Waste Management, contacted SSUI regarding the possibility of the County's trucking the underdrain leachate and stormwater leachate from the landfill to one of SSUI's Citrus County wastewater treatment facilities. DEP approved, and the County and SSUI agreed to SSUI's accepting and treating truckloads of up to 6,000 gallons per day (gpd) of underdrain leachate and up to 12,000 gpd of surface leachate five days a week at SSUI's Sugarmill Woods wastewater treatment plant on a temporary, emergency basis. The Sugarmill Woods wastewater treatment plant has the capacity to provide the described service. SSUI believes that providing the service will not prevent its treatment from complying with any applicable regulatory standards and does not anticipate that providing the service will cause any functional problems. With DEP approval, the County will continue to treat some surface leachate at the landfill treatment plant and will truck some of the underdrain leachate to other County-owned wastewater treatment facilities. SSUI's service supplements these measures.

The parties did not execute a written agreement prior to filing the application in this docket. However, the parties reached an agreement in principle, including the rate requested herein, subject to Commission approval, and provisions for adequate protection of SSUI's interests in the event of functional problems or regulatory concerns.

The County estimates that the permitting, construction and modifications to its treatment plant at the landfill should take approximately six months. This emergency, temporary service is requested because the County has no other leachate disposal method which is cost-effective and environmentally safe.

Pursuant to Rule 25-9.005(4), Florida Administrative Code, a utility which files a new service classification or rate schedule must provide the estimated annual revenues to be derived from the service and the estimated number of customers to be served. SSUI cannot accurately estimate annual revenues to be derived from the described service to the County, because a variety of factors will

effect the frequency and duration of the County's modifications to its own plant. However, if SSUI treats the maximum 6,000 gpd of underdrain leachate and 12,000 gpd of surface leachate five days a week over a six month period, at the agreed upon rate, the total annual revenues derived from the service would be approximately \$20,000. Citrus County will be the only customer eligible for the described service.

Pursuant to Section 367.091(5) Florida Statutes, SSUI offers the following as justification for the rate proposed: The rate which the parties have agreed to is SSUI's general service wastewater rate of a \$12.67 base charge and a \$4.39 per 1,000 gallons charge. This is the same rate applicable to all other SSUI general service wastewater customers in Citrus County, and in several other counties as well. The service is emergency, temporary service which is essential to the County and which was requested on short notice. SSUI and the County agreed on the rate because both deemed it reasonable in consideration of all of the facts and circumstances involved, including the environmental concerns for the area. SSUI believes that the rate proposed is fairly representative of the costs to be incurred in providing the service and, therefore, SSUI believes its other customers are not harmed by SSUI's providing the service. The uniform rate is designed to allow SSUI to recover certain costs which SSUI would not incur in providing the service described herein, for example, depreciation expense on uncontributed collection lines. However, those costs are offset by other costs SSUI will incur as a result of providing the service, for example, the cost of additional electricity and chemicals. In consideration of the above, SSUI submits that the rate proposed is fair, just, reasonable and compensatory under Section 367.091(4), Florida Statutes.

There appears to be a serious underdrain and surface leachate problem in Citrus County. Approval of this emergency request for a new class of service is needed in order to help the county correct deficiencies in its treatment plant. Based on the information provided in this proceeding, we find that it is appropriate to approve SSUI's request to temporarily provide service to Citrus County and charge the general service wastewater rate.

Therefore, the utility's revised tariff sheets and charges submitted on November 28, 1994, are hereby approved. Provided the customer receives proper notice, the approved charges shall be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, Florida Administrative Code. SSUI shall provide proof that the customer has received notice within ten days after the date of the notice.

The utility shall also provide a copy of the agreement between it and the County. In the event that a timely protest is filed, the tariffs shall remain in effect and the applicable revenues shall be held subject to refund pending resolution of the protest. Thirty days after the termination of the agreement between SSUI and Citrus County, the utility shall file a request to delete and or revise the applicable tariff sheets.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the request by Southern States Utilities, Inc., to provide emergency temporary treatment for underdrain leachate and surface leachate from Citrus County landfill is hereby approved. It is further

ORDERED that the new class of service rates will become final unless a substantially affected person files a petition for a formal proceeding within 21 days of the date of issuance of this Order. If a protest is filed, the utility may collect the rates on an interim basis subject to refund, until resolution of the protest. It is further

ORDERED that the approved charges will be effective for service rendered on or after the stamped approval date provided the customer receives proper notice. It is further

ORDERED that Southern States Utilities, Inc., shall provide the Commission with proof that the customer has received notice within ten days after the date of the notice. It is further

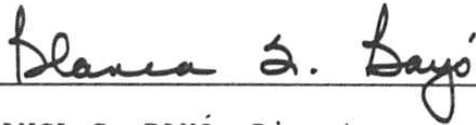
ORDERED that Southern States Utilities, Inc. shall provide a copy of the agreement between it and the County. It is further

ORDERED that thirty days after the termination of the argument between Southern States Utilities, Inc. and Citrus County, Southern States Utilities, Inc., shall file a request to delete and/or revise the applicable tariff sheets. It is further

ORDERED that, if in the event no petition for formal proceeding is timely received, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 9th  
day of February, 1995.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 2, 1995.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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 this Order becomes final 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 date this Order becomes final, 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.