

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 950941-WS
Amendment of Certificates Nos.) ORDER NO. PSC-95-1212-FOF-WS
146-W and 103-S in Osceola) ISSUED: October 2, 1995
County by Poinciana Utilities,)
Inc.)
_____)

ORDER AMENDING CERTIFICATES

BY THE COMMISSION:

Poinciana Utilities, Inc. (Poinciana or utility), provides water and wastewater service to approximately 4,718 water customers and 4,600 wastewater customers in Osceola and Polk Counties. According to its annual report, the utility's operating revenue in 1994 was \$2,529,829 and its net operating income, \$259,429. The utility is a Class A utility under Commission jurisdiction.

On August 10, 1995 the utility applied for amendments to Water Certificate No. 146-W and Wastewater Certificate No. 103-S in Osceola County, Florida, to add a small parcel of land containing sites upon which two churches, the Iglesia De Dios Pentecostal Church and the Pentecostal Church of God, Inc., are to built. The application was filed pursuant to Rule 25-30.036(2), Florida Administrative Code, which provides that:

A request for service territory expansion and amendment of an existing certificate ... shall be considered approved under the following conditions if no protest is timely filed to the notice of application:

(a) the utility has provided a written statement of an officer of the utility that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at build-out; and

(b) the utility has provided the written statement of an officer of the utility that ... :

1. there is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and

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2. the person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry; (2) a septic tank has failed; or (3) service is not otherwise available.

(c) the utility has filed a completed application in accordance with section (2) of this rule within 45 days of the completion of the notice requirements.

On August 16, 1995, the Poinciana Pentecostal Church of God, Inc., filed an objection to the application. However, on August 25, 1995, the church advised the Commission that it neither wished to pursue its objection to administrative hearing nor to be provided the utility's services. No other objections were filed. Accordingly, on September 12, 1995, the utility filed a revised application, with the territory description reflecting only the Iglesia De Dios Pentecostal Church site.

The application as revised complies with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a check in the amount of \$200 (\$100 for water and \$100 for wastewater), the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. There is no other utility in the area of the proposed territory expansion willing and capable of providing reasonably adequate service to the new territory. The Iglesia De Dios Pentecostal Church has demonstrated to the utility that service from the utility is necessary because service is otherwise not available. The applicant has provided evidence that the it owns the land upon which its facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code. The church will consist of fewer than 25 equivalent residential connections.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(1)(e), (f) and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this memorandum as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission. In addition, the application contains proof of compliance with the noticing requirements set forth in Rule 25-30.030, Florida Administrative Code, the requirements having been completed on August 12, 1995.

The utility has provided water and wastewater service to communities in its service territories since 1972. No additional

water or wastewater plant needs to be added to serve this new customer. The internal water and wastewater lines will be donated to the utility.

No Department of Environmental Protection notices of violation are outstanding against Poinciana. The utility has four water treatment plants, with the additional territory to be served by a plant with a capacity of 1.1 million gallons per day (mgd) and current maximum flow of .868 mgd. The utility has four wastewater treatment plants, with the additional territory to be served by a plant with a capacity of .350 mgd and current maximum monthly flow of .266 mgd. It is apparent that the utility has the water and wastewater treatment capacity to serve the expanded territory, and, moreover, we find that the utility has demonstrated the financial and technical expertise to provide this customer with quality service. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

On March 12, 1986, we issued Order No. 15831 in Docket No. 850051-WS, granting the utility water and wastewater rates and an increase in service availability charges. The utility's water and wastewater rates were last changed on July 1, 1995, through implementation of the price index, as permitted by Section 367.081(4)(a), Florida Statutes. The rates and charges we have approved for the utility shall be applied to the Iglesia De Dios Pentecostal Church in the new service territory.

Thus, we find it appropriate that Poinciana Utilities, Inc.'s Water Certificate No. 146-W and Wastewater Certificate No. 103-S be amended to include the additional territory described in Attachment A.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Poinciana Utilities, Inc.'s Water Certificate No. 146-W and Wastewater Certificate No. 103-S are amended as set forth herein. It is further

ORDERED that the rates and charges approved for Poinciana Utilities, Inc., shall be applied in the service territory as extended herein. It is further

ORDERED that each of the findings made in the body of this order is hereby approved in every respect. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 2nd day of October, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: 
Chief, Bureau of Records

(S E A L)

CJP

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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

POINCIANA UTILITIES, INC.

TERRITORY DESCRIPTION - OSCEOLA COUNTY

WATER AND WASTEWATER SERVICE AREA

Iglesia De Dios Pentecostal Church of Poinciana

Township 27 South, Range 29 East

Section 18

From the Point of Beginning (P.O.B.) at the Northwest corner of the South 1/2 of the North 1/2, run South 89° 59' 30" East 2,969.10 feet; thence South 26° 06' 30" West 572.32 feet; thence North 89° 59' 00" West 2,716.94 feet; thence North 00° 02' 03" West 512.79 feet to the P.O.B.