

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
grandfather certificate to
operate water utility in Polk
County by Mountain Lake
Corporation.

DOCKET NO. 970283-WU
ORDER NO. PSC-97-0926-FOF-WU
ISSUED: August 4, 1997

The following Commissioners participated in the disposition of
this matter:

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

ORDER GRANTING GRANDFATHER CERTIFICATE,
SETTING RATES AND CHARGES, REQUIRING PAYMENT
OF REGULATORY ASSESSMENT FEES FOR 1996 AND
REQUIRING FILING OF 1996 ANNUAL REPORT

BY THE COMMISSION:

BACKGROUND

On May 14, 1996, the Board of County Commissioners of Polk County adopted a resolution pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in that County subject to the provisions of Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on July 11, 1996, by Order No. PSC-96-0896-FOF-WS. Pursuant to Section 367.171, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization. Accordingly, on March 6, 1997, Mountain Lake Corporation (MLC) filed an application for a grandfather certificate to provide water service in Polk County pursuant to Section 367.171(2)(b), Florida Statutes.

MLC is a Class C utility which provides residential water service. The utility currently serves approximately 128 single family and multi-family residences. According to the application, the utility was established in 1918.

DOCUMENT NUMBER DATE

07866 AUG-45

FPSC-RECORDS/REPORTING

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APPLICATION

MLC's application is in compliance with Section 367.171, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a check in the amount of \$200.00, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The rules and statutes do not require noticing for grandfather certificate applications. Rule 25-30.035(6), Florida Administrative Code, requires a utility to provide proof that it owns the land or has continued use of the land upon which its facilities are located. MLC provided a copy of an unrecorded warranty deed executed in 1916, which is in the name of MLC. We find it appropriate that the utility be required to provide a recorded warranty deed within 90 days of the order issued in this docket.

Adequate service territory and 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 approved territory is appended to this Order as Attachment A. Commission Staff has contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation.

Based on the above information, we find that MLC shall be granted Water Certificate No. 593-W to serve the territory described in Attachment A.

RATES AND CHARGES

We find that the rates and charges MLC had in effect on the date the Florida Public Service Commission received jurisdiction should be approved as the appropriate rates and charges for the utility. The utility's rates and charges were never reviewed, nor approved, by the Polk County Board of County Commissioners. Commission staff requested and received copies of customer bills to verify the rates. The utility's approved rates and charges are as follows:

Monthly Service Rates

Residential Service - Water

Monthly Minimum Charge \$40.00
Monthly minimum includes 9,000 gallons usage.

Gallonge Charge

9,001 - 12,000 gallons	\$ 1.50 per 1,000 gallons
12,001 - 20,000 gallons	\$ 2.00 per 1,000 gallons
20,001 - 30,000 gallons	\$ 3.00 per 1,000 gallons
30,001 - 40,000 gallons	\$ 5.00 per 1,000 gallons
40,001 - 50,000 gallons	\$ 7.00 per 1,000 gallons
50,001+ gallons	\$ 8.00 per 1,000 gallons

Service Availability Charges

All Service Availability Charges are billed at actual cost.

Miscellaneous Service Charges

Initial Connection	N/A
Normal Reconnection	N/A
Violation Reconnection	N/A
Premises Visit	N/A

It should be noted that MLC does not collect nor is authorized to collect a customer deposit.

The utility has filed a tariff which reflects the rates and charges approved in this Order. MLC shall be required to continue to charge these rates and charges until authorized to change by the Commission. The tariff shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), Florida Administrative Code.

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REGULATORY ASSESSMENT FEES AND ANNUAL REPORT

Pursuant to Rule 25-30.110(3), Florida Administrative Code, "[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 has been issued a certificate." Additionally, Rule 25-30.120(2), Florida Administrative Code, states "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 actually applied for or has been issued a certificate" is required to pay regulatory assessment fees. Therefore, MLC shall be required to pay regulatory assessment fees for 1996 and file a 1996 Annual Report from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order.

CLOSING OF DOCKET

This docket shall be closed administratively upon receipt of a warranty deed which the utility is to submit within 90 days of issuance of this Order as proof that MLC has legal ownership of the property on which the utility is located.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mountain Lake Corporation, 2300 North Scenic Highway, Lake Wales, Florida 33853, is hereby granted Certificate No. 593-W to provide water service to the territory shown on Attachment A of this Order. It is further

ORDERED that the rates and charges set forth in the body of this Order are hereby approved. It is further

ORDERED that Mountain Lake Corporation shall continue to charge these rates and charges until authorized to change by the Commission in a subsequent proceeding. It is further

ORDERED that Mountain Lake Corporation's tariff, which reflects the rates and charges approved herein, shall be effective for service rendered or connections made on or after the stamped

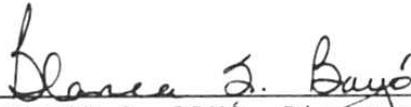
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approval date on the tariff sheets, pursuant to Rule 25-30.475(1), Florida Administrative Code. It is further

ORDERED that Mountain Lake Corporation shall pay regulatory assessment fees for 1996 and file a 1996 Annual Report from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order. It is further

ORDERED that Docket No. 970283-WU shall remain open pending receipt of the recorded warranty deed required by this Order. Upon receipt of the warranty deed, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission, this 4th day of August, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JSB

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

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ATTACHMENT A

SERVICE AREA
DESCRIPTION OF TERRITORY SERVED

Located within Township 29 South, Range 27 East in Polk County, Florida.

Southeast 1/4 of Section 22;

Southwest 1/4 and Southeast 1/4 of Section 23;

Southwest 1/4 and Southeast 1/4 of Section 24;

All of Section 25;

All of Section 26;

Northeast 1/4 and Southeast 1/4 of Section 27;

Northwest 1/4 of Section 35;

Northwest 1/4 and Northeast 1/4 of Section 36;

and within Township 29 South, 28 East;.

Southwest 1/4 of Section 19;

Northwest 1/4 and Southwest 1/4 of Section 30;

Northwest 1/4 and Southeast 1/4 of Section 31;