

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
grandfather certificate to
operate wastewater utility in
Polk County by ABCA, Inc.

DOCKET NO. 971531-SU
ORDER NO. PSC-98-0752-FOF-SU
ISSUED: June 1, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER GRANTING GRANDFATHER CERTIFICATE TO ABCA, INC.,
SETTING RATES AND CHARGES, REQUIRING PAYMENT OF
REGULATORY ASSESSMENT FEES FROM THE JURISDICTIONAL DATE,
REQUIRING FILING OF ANNUAL REPORTS FROM THE JURISDICTIONAL DATE,
AND CLOSING DOCKET

BY THE COMMISSION:

Background

On November 20, 1997, ABCA, Inc. (ABCA) filed an application
for a grandfather certificate to provide wastewater service in Polk
County, pursuant to Section 367.171, Florida Statutes. The
application was filed after the Board of County Commissioners of
Polk County adopted a resolution on May 14, 1996, which made the
utilities in the County subject to the provisions of Chapter 367,
Florida Statutes.

The utility, previously known as Village Lakeland, has been in
existence providing service to customers in Polk County since 1972.
On January 9, 1990, the Polk County Commission granted a franchise
to Ameribanc Investors Group (Ameribanc) for a system known as
Village Lakeland. Later Ameribanc's wastewater system was acquired
by First Union Corporation (First Union) through merger and
foreclosure procedures. ABCA, which is the current name of the
utility, is a wholly-owned subsidiary of First Union Corporation.
ABCA provides wastewater service to about 244 residential

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customers. Water service is provided to the customers by the City of Lakeland.

Application

The 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, in part, a filing fee in the amount of \$500, in accordance with Rule 25-30.020, Florida Administrative Code.

ABCA provided evidence in the form of warranty deeds that it owns the land upon which the utility is located, as required by Rule 25-30.035, Florida Administrative Code. It should be noted that the rules and statutes do not require noticing of grandfather certificates and no noticing has been provided.

Adequate service territory and system maps and a territory description have been provided, pursuant to Rule 25-30.035(9), (10), and (11), Florida Administrative Code. A description of the territory ABCA has requested to serve is shown on Attachment A of this Order, which by reference is incorporated herein.

From the information provided, ABCA has the technical and financial ability to continue to provide satisfactory service to its customers. In addition, according to the Department of Environmental Protection, there are no outstanding notices of violation against the utility.

Based on the foregoing, we find it appropriate to grant ABCA Certificate No. 515-S to serve the territory described in Attachment A.

Regulatory Assessment Fees and Annual Reports

Pursuant to Rule 25-30.110(3), Florida Administrative Code, "Each utility shall file with the Commission annual reports on forms prescribed by the Commission. The 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." Rule 25-30.120(2), Florida Administrative Code, states, in part, "The obligation to remit the regulatory assessment fees for any year shall apply to 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 . . ." That Rule further states, "[r]egulatory assessment fees shall be filed with the Commission on or before March 31 for the preceding year ended December 31."

Because ABCA has been subject to Commission jurisdiction since May of 1996, it is responsible for paying regulatory assessment fees and filing annual reports from the jurisdictional date. Therefore, we find it appropriate to require ABCA to remit regulatory assessment fees from the jurisdictional date, May 14, 1996, and file annual reports from the jurisdictional date.

Rates and Charges

The rates and charges in effect for ABCA when the Commission received jurisdiction were approved by the Polk County Utilities Commission. By resolution dated June 26, 1990, Polk County approved a flat rate of \$10.00 for wastewater service and approved the connection fees. On November 16, 1993, Polk County approved a \$.25 increase for ABCA. ABCA's rates and charges are set forth below.

Monthly Service Rates

Residential Service

Flat Rate \$ 10.25

Customer Deposits

N/A - deposits are not required

Miscellaneous Service Charges

Initial Connection Fee	\$ 15.00
Normal Reconnection Fee	\$ 15.00
Violation Reconnection Fee	Actual Cost
Premises Visit Fee	\$ 15.00

Service Availability Charge

Flat/One-Time Tap-in Fee \$880.00

We find these rates and charges to be reasonable and they are approved. ABCA shall charge the rates and charges approved herein

until authorized to change by this Commission in a subsequent proceeding. ABCA has filed a tariff which reflects the approved rates and charges. The tariff shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ABCA, Inc., 214 North Hogan Street, Sixth Floor, Jacksonville, Florida 32202, is hereby granted Certificate No. 515-S to serve 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. ABCA, Inc. shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. It is further

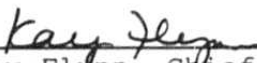
ORDERED that the tariff reflecting the rates and charges approved in the body of this Order shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets. It is further

ORDERED that ABCA, Inc. shall pay regulatory assessment fees and file annual reports from the jurisdictional date, May 14, 1996, in accordance with Rules 25-30.110(3) and 25-30.120(2), Florida Administrative Code, respectively. It is further

ORDERED that Docket No. 971531-SU is hereby closed.

By ORDER of the Florida Public Service Commission this 1st day of June, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

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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.

ATTACHMENT A

ABCA, INC.

SERVICE TERRITORY
POLK COUNTY

Township 28 South, Range 24 East
Sections 14 and 23

Beginning at the Southwest corner of Section 14, Township 28 South, Range 24 East; run thence East along the South boundary of said Section 14 to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 14; thence North to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 14; thence East to the Northeast corner of said South 1/2 of the Southeast 1/4 of the Southwest 1/4; thence South along the East boundary of the West 1/2 of said Section 14 and the East boundary of the West 1/2 of Section 23 of said Township and Range to the Southeast corner of the Northwest 1/4 of said Section 23; thence East to the Northeast corner of the West 1/4 of the Southeast 1/4 of said Section 23; thence South to the Southeast corner of said West 1/4 of the Southeast 1/4; thence West along the South boundary of said Section 23 to a point 220 feet West of the Southeast corner of the Southwest 1/4 of said Section 23; thence North 1247.05 feet, West 100 feet, North 600 feet, West 180 feet, North 500 feet, West to the West boundary of the East 1/2 of the Southwest 1/4 of said Section 23; thence North along said West boundary of said East 1/2 of said Southwest 1/4 and along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 23 to the Northwest corner of said Southeast 1/4 of the Northwest 1/4; thence West along the South boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 23 to the West boundary of said Section 23; thence North along said West boundary to the point of beginning. All in Sections 14 and 23, Township 28 South, Range 24 East.