

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for grandfather certificate to operate a water and wastewater utility in Polk county, by Orchid Springs Development Corp. Water & Sewer.

DOCKET NO. 970158-WS
ORDER NO. PSC-98-0918-FOF-WS
ISSUED: July 7, 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 CERTIFICATES,
SETTING RATES AND CHARGES, AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On February 5, 1997, Orchid Springs Development Corporation (Orchid Springs or utility) filed an application with this Commission for grandfather certificates to provide water and wastewater service in Polk County, pursuant to Section 367.171, Florida Statutes. Orchid Springs has been in existence providing water and wastewater service since 1969. The utility currently serves about 299 residential customers and about 11 commercial customers.

Orchid Springs' 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. Pursuant to Rules 25-30.110 and 25-30.120, Florida Administrative Code, annual reports and regulatory assessment fees are due from regulated utilities regardless of whether a certificate has been granted. Our records indicate that Orchid Springs is current with regard to submission of annual reports and payment of regulatory assessment fees.

DOCUMENT NO.

07121-98
7-7-98

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 a filing fee in the amount of \$1,000, as required by rule 25-30.020, Florida Administrative Code.

The rules and statutes do not require noticing for grandfather certificate applications. However, upon review of the application, it was determined that a small portion of the territory shown in the description of Orchid Springs' territory was being served by Garden Grove Water Company (Garden Grove). On April 15, 1998, pursuant to a Settlement Agreement with Garden Grove (discussed in detail in Docket No. 961299-WS), Orchid Springs filed documentation to delete a portion of its service area and transfer that portion to Garden Grove Water Company, Inc. Proof of notification of the deletion and transfer has been provided by Orchid Springs.

Rule 25-30.035, Florida Administrative Code, requires a utility to provide proof that it owns or has continued use of the land upon which its facilities are located. Initially, Orchid Springs provided copies of tax assessment bills as proof of ownership. Upon being informed that tax bills did not meet the requirements of Rule 25-30.035, Florida Administrative Code, Orchid Springs provided warranty deeds in the name of the utility as proof that it owns the land upon which its facilities are located.

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

The Department of Environmental Protection (DEP) was contacted regarding Orchid Springs. According to DEP, there are no outstanding notices of violation against Orchid Springs.

Based on the foregoing, we find it appropriate to grant Orchid Springs Certificates Nos. 600-W and 516-S to serve the territory shown on Attachment A of this Order.

RATES AND CHARGES

The rates and charges in effect for Orchid Springs when the Commission received jurisdiction in Polk County were approved by resolution adopted on August 17, 1993, by the Board of County Commissions of Polk County. The rates and charges are as follows:

Monthly Rates

Water Service

Residential and General Service

Base Facility Charge

Meter Charge:

5/8" x 3/4"	\$ 6.01
3/4"	\$ 9.02
1"	\$ 15.03
1-1/2"	\$ 30.05
2"	\$ 48.08
3"	\$ 96.16
4"	\$150.25

Gallonage Charge:

(Per 1,000 Gallons) \$.72

Wastewater Service

All Meter Sizes:

(Flat Rate - No Consumption Charge) \$ 15.88

Customer Deposits

Water

<u>Meter Size</u>	<u>Residential</u>	<u>General Service</u>
5/8" x 3/4"	\$ 35.00	\$ 35.00
1"	\$ 35.00	\$ 35.00
1-1/2"	\$ 35.00	\$ 35.00
Over 2"	\$ 35.00	\$ 35.00

Meter Test Deposits

<u>Meter Size</u>	<u>Charge</u>
5/8" x 3/4"	\$ 20.00
1" and 1-1/2"	\$ 25.00
2" and over	Actual Cost

Miscellaneous Service Charges

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

We find these rates and charges to be reasonable, and they are approved. Orchid Springs shall continue to charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. The utility has filed a tariff which reflects the rates and charges approved herein. 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

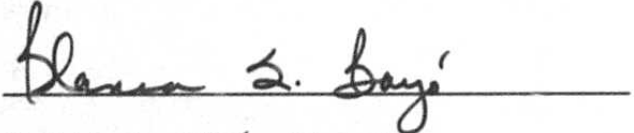
ORDERED by the Florida Public Service Commission that Orchid Springs Development Corporation, 710 Overlook Drive, Winter Haven, Florida, 33884, is hereby granted Certificates Nos. 600-W and 516-S to serve the territory shown on Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the rates and charges set forth in the body of this Order are hereby approved. Orchid Springs Development Corporation shall continue to charge these rates and charges until authorized to change by the Commission in a subsequent procedure. The tariff filed by Orchid Springs Development Corporation reflecting the rates and charges approved herein 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 Docket No. 970158-WS is hereby closed.

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By ORDER of the Florida Public Service Commission this 7th
day of July, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

ALC

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

Orchid Springs Development Corp.
Water and Wastewater Service Area
Polk County

TRACT A: Starting at the Northeast corner of Section 35, Township 28 South, Range 26 East, run thence South 00°22'00" East along the East boundary of Section 35 a distance of 580.8 feet to a concrete marker for the POINT OF BEGINNING; run thence South 00°22'00" East along the East boundary of Section 35 a distance of 1414.2 feet; thence North 89°44'00" East a distance of 560 feet; thence North 33°58'00" East a distance of 1000 feet; thence North 40°11'00" West a distance of 1826.13 feet; thence North 60°57'00" West a distance of 467 feet to the Easterly right-of-way boundary of County Road 550; thence South 29°03'00" West along the Easterly right-of-way of County Road 550 a distance of 1195 feet; thence North 89°44'00" East a distance of 1038.76 feet to the POINT OF BEGINNING, AND

TRACT B: North 420 feet of the South 749.20 feet of the Northeast quarter of the Northeast quarter of Section 35, Township 28 South, Range 26 East, lying East of the right-of-way of County Road 550, containing approximately 11.16 acres. Also the 12½ feet immediately East of the above-described property which was closed as a road by Polk County Commissioners, Resolution recorded in Official Records Book 1067, page 823.

TRACT #2: All that part of the West half of the Southwest quarter of the Southwest quarter of Section 25, Township 28 South, Range 26 East, and the East half of the Southeast quarter of the Southeast quarter, Section 26, Township 28 South, Range 26 East, lying Southeasterly and Southerly of the right-of-way of County Road 550, and lying Northerly of a line described as follows: Starting at the corner common to Sections 25, 26, 35, and 36, Township 28 South, Range 26 East, Polk County, Florida, run thence North 89°46'00" East along the South boundary of said Section 25 a distance of 148.78 feet for the POINT OF BEGINNING; thence run North 40°11'00" West a distance of 303.13 feet, thence North 60°57'00" West a distance of 467 feet to a concrete marker located on the Easterly right-of-way boundary of County Road 550 at a point 459.05 feet North and 454.77 feet West of the common corner above described for the end of said line. SUBJECT to rights-of-way as of record and/or in use.

TRACT #3: The South half of the Southeast quarter of the Northeast quarter, Section 35, Township 28 South, Range 26 East, AND that part of the Northwest quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, described as: Starting at the Northwest corner of Section 36, Township 28 South, Range 26 East, run thence North $89^{\circ}46'00''$ East along the North boundary of Section 36 a distance of 148.78 feet for a POINT OF BEGINNING; thence run South $40^{\circ}11'00''$ East a distance of 1523.0 feet, thence South $33^{\circ}58'00''$ West a distance of 1000.0 feet, thence South $89^{\circ}44'00''$ West a distance of 560 feet to the West boundary of Section 36, thence South $00^{\circ}22'00''$ East along the Section line 464.95 feet to a point 200.04 feet Northerly of the Southwest corner of the Northwest quarter of Section 36, thence run North $69^{\circ}50'30''$ East along the centerline of a canal a distance of 683.83 feet, thence North $33^{\circ}58'00''$ East a distance of 1296.18 feet, thence North $40^{\circ}11'$ West a distance of 1506.60 feet to a point on the North boundary of Section 36, thence run South $89^{\circ}46'00''$ West along the said North boundary of Section 36 a distance of 260.89 feet to the POINT OF BEGINNING. SUBJECT to rights-of-way as of record and/or in use. (37.1).

TRACT #4: All that part of the Northwest quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, lying Easterly and Northerly of a line described as: Starting at the Northwest corner of Section 36, run thence North $89^{\circ}46'00''$ East along the North boundary of Section 36, a distance of 409.67 feet for the POINT OF BEGINNING of said line; run thence South $40^{\circ}11'00''$ East a distance of 1506.60 feet, thence South $33^{\circ}58'00''$ West a distance of 1296.18 feet to the centerline of a canal, thence run North $69^{\circ}50'30''$ East along the centerline of said canal a distance of 2139.4 feet, more or less, to its intersection with the East boundary of said Northwest quarter of Section 36, for the end of said line. SUBJECT to rights-of-way as of record and/or in use.

TRACT #5: The South half of the Southeast quarter Section 25, Township 28 South, Range 26 East, Polk County, Florida, **LESS AND EXCEPT:** Begin at the Northeast corner of said South half of the Southeast quarter and run South $0^{\circ}19'17''$ East along the East line of said South half of the Southeast quarter a distance of 457.10 feet, thence North $88^{\circ}44'17''$ West 108.15 feet, thence South $52^{\circ}15'43''$ West 476.63 feet, thence South $00^{\circ}05'17''$ East 252.20 feet, thence South $89^{\circ}54'43''$ West 138.00 feet, thence North $00^{\circ}05'17''$ West 182.00 feet, thence North $80^{\circ}58'17''$ West 419.00 feet, thence North $50^{\circ}57'17''$ West 725.00 feet, thence North $69^{\circ}41'17''$ West 625.70 feet, thence North $00^{\circ}05'17''$ West 72.69 feet

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to a point on the North line of said South half of the Southeast quarter, thence North $89^{\circ}54'43''$ East along said North line 2184.81 feet to the POINT OF BEGINNING, **LESS AND EXCEPT** right-of-way of County Road 550, and **LESS AND EXCEPT** the East 30 feet of the South 866.9 feet of the Southeast quarter of the Southeast quarter of said Section 25 for road, and **LESS AND EXCEPT** Beginning 473.00 feet North of the Southwest corner of the South half of the Southeast quarter and run North a distance of 812.03 feet thence run East a distance of 313.07 feet thence run South a distance of 806.95 feet thence run West a distance of 313.03 feet to the POINT OF BEGINNING.

TRACT #6: That part of the Northeast quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, described as: Beginning at the Northeast corner of Section 36. run thence South along the East boundary of Section 36 a distance of 533.80 feet to its intersection with the centerline of a canal, thence run South $69^{\circ}50'30''$ West along said centerline of canal a distance of 2823.3 feet, more or less, to its intersection with the West boundary of said Northeast quarter, thence run a distance of 1,496.01 feet North along the West boundary of said Northeast quarter to the Northwest corner of the Northeast quarter, thence run Easterly along the North boundary of said Northeast quarter of Section 36 a distance of 2642.28 feet to the POINT OF BEGINNING. SUBJECT to right-of-way over the East 30 feet thereof.