

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval  
of reuse project plan in  
Seminole County by Alafaya  
Utilities, Inc.

DOCKET NO. 960288-SU  
ORDER NO. PSC-98-1151-FOF-SU  
ISSUED: August 25, 1998

The following Commissioners participated in the disposition of  
this matter:

J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION ON PROPOSED AGENCY  
ACTION, DECLARING ORDER NO. PSC-98-0391-FOF-SU TO BE FINAL AND  
EFFECTIVE, AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Alafaya Utilities, Inc. (Alafaya or utility), a subsidiary of  
Utilities, Inc., is a Class A wastewater only utility located in  
Seminole County. Water service is provided in the area by the City  
of Oveido (City). As of December 31, 1996, Alafaya was serving  
approximately 4,300 equivalent residential connections (ERCs) in  
five different developments in the Oveido area: Alafaya Woods, Twin  
Rivers/Riverside, Big Oaks, Lake Rogers and Little Creek.  
Additionally, by Order No. PSC-96-1281-FOF-SU, issued October 15,  
1996, in Docket No. 951419-SU, Alafaya's service area was amended  
to include currently undeveloped property which is located adjacent  
to the existing wastewater service area. The order was appealed by  
the City, and was affirmed by the First District Court of Appeal.  
City of Oveido v. Clark, 699 So. 2d 316 (Fla. 1st DCA 1997). At  
build out of this new territory, it is expected that Alafaya will  
serve an additional 5,700 customers.

On March 6, 1996, the utility filed an application for  
approval of a reuse project plan pursuant to Section 367.0817,  
Florida Statutes. This docket was opened to address the utility's  
application.

DOCUMENT NUMBER DATE

09207 AUG 25 98

FLORIDA PUBLIC SERVICE COMMISSION

By PAA Order No. PSC-98-0391-FOF-SU, issued March 16, 1998, we approved a reuse project plan and reuse rates and charges for the utility.<sup>1</sup> On April 6, 1998, Seminole Ranch, Ltd., and Live Oak Reserve, Ltd. (petitioners), the owners and developers of two tracts of land located within Alafaya's wastewater treatment and reuse service area, timely filed a Petition on Proposed Agency Action, protesting the PAA Order, requesting a formal hearing pursuant to Section 120.57, Florida Statutes, and Rule 25-22.029(4), Florida Administrative Code, and declaratory relief as provided by Section 120.565, Florida Statutes, and Rule 25-22.020, Florida Administrative Code. On April 17, 1998, the utility timely filed a Motion to Dismiss the petition.

On May 5, 1998, Alafaya filed a Motion for Implementation of Interim Rates, requesting that we allow it to implement the reuse rates and charges as set forth in the PAA Order on an interim basis, subject to refund, pending the outcome of the protest. On May 7, 1998, the petitioners filed a Response to Motion for Implementation of Interim Rates, stating that they do not object to the motion.

Also on May 7, 1998, the petitioners filed a Motion to Amend Petition on Proposed Agency Action, along with its Amended Petition, by which they withdrew their request for declaratory relief as sought in the original petition. On May 15, 1998, the utility filed a Response to Motion to Amend Petition.

On June 17, 1998, the utility filed copies of developer agreements which were entered into between the utility and the petitioners on June 11, 1998. Consequently, on July 15, 1998, the petitioners filed a Withdrawal of Petition on Proposed Agency Action.

#### WITHDRAWAL OF 'PETITION ON PROPOSED AGENCY ACTION

The petitioners filed their Withdrawal of Petition on Proposed Agency Action on July 15, 1998, stating that they have entered into developer agreements with the utility, which has agreed to construct all off-site facilities relating to the reuse system,

---

<sup>1</sup>By final action, we also directed our staff to investigate all issues concerning the provision of reuse service, to conduct workshops on the matter, and to report their recommendations to us by January, 1999.

ORDER NO. PSC-98-1151-FOF-SU  
DOCKET NO. 960288-SU  
PAGE 3

including storage and transmission. The petitioners attached copies of the developer agreements executed June 11, 1998, to the Withdrawal of Petition on Proposed Agency Action.

Because the parties have settled their differences, we hereby acknowledge the petitioners' Withdrawal of Petition on Proposed Agency Action and declare Order No. PSC-98-0391-FOF-SU to be final and effective August 4, 1998. The utility's Motion to Dismiss and Motion for Implementation of Interim Rates, and the petitioners' Motion to Amend Petition on Proposed Agency Action are rendered moot by the protest withdrawal and therefore need not be ruled upon.

Because no further action is necessary, this docket shall be closed.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that Seminole Ranch, Ltd., and Live Oak Reserve, Ltd.'s Withdrawal of Petition on Proposed Agency Action is hereby acknowledged. It is further

ORDERED that Order No. PSC-98-0391-FOF-SU is hereby declared to be final and effective as of August 4, 1998. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of August, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
\_\_\_\_\_  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

RG

ORDER NO. PSC-98-1151-FOF-SU  
DOCKET NO. 960288-SU  
PAGE 4

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.