

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificate No. 106-W to add
territory in Lake County by
Florida Water Services
Corporation.

DOCKET NO. 021137-WU
ORDER NO. PSC-03-1235-FOF-WU
ISSUED: November 3, 2003

ORDER APPROVING AMENDMENT
AND CLOSING DOCKET

BY THE COMMISSION:

On November 8, 2002, Florida Water Services Corporation (Florida Water or utility) filed an application with this Commission for approval to amend Certificate No. 106-W to add territory in Lake County pursuant to Section 367.045, Florida Statutes. Florida Water is a Class A water and wastewater utility. The utility's water system is located in the St. Johns River Water Management District, which has been declared a water use caution area.

Florida Water provides water service to approximately 1,121 customers in Silver Lake Estates and 378 customers in Western Shores, Lake County. In its 2002 Annual Report, the utility reported operating revenue for Silver Lakes/Western Shores of \$467,152 and net operating income of \$137,979.

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. The application contains a filing fee in the amount of \$100, pursuant to Rule 25-30.020, Florida Administrative Code. The utility has provided copies of warranty deeds as evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.036(3)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e), (f), and (i), Florida Administrative Code. A description of the territory is shown on Attachment A of this Order, which by reference is incorporated herein. The utility has submitted an

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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 provisions set forth in Rule 25-30.030, Florida Administrative Code. One objection was filed on December 5, 2002, by the City of Leesburg. By letter dated October 9, 2003, the City of Leesburg withdrew its objection. The local planning agency was provided notice of the application and did not file a protest to the amendment. The Department of Community Affairs has identified no growth management concerns with the proposed expansion of the utility. According to the utility the provision of service to the additional territory will be consistent with the utility section of the local comprehensive plan. The utility plans to serve an additional 30 single-family homes.

The interconnected Silver Lake/Western Shores water system has a design capacity of 2,632,000 gallon per day (gpd). The high service pumps located at the Silver Lakes plant can deliver a peak instantaneous demand of 4,420 gallons per minute. For the Silver Lake Estates system, the highest maximum daily demand was 1,734,000 gpd on May 15, 2003. For the Western Shores system, the highest maximum daily demand was 88,000 gallons per day on May 10, 2003. The estimated average water demand for the proposed customers is about 10,500 gpd with a maximum demand of 26,250 gpd. The existing water system has sufficient capacity to handle the immediate demands for the existing service territory and the approved areas in the near future.

According to the Department of Environmental Protection, there are no outstanding notices of violation issued for the water system. Florida Water has a staff of engineers, scientists, accountants, and other professionals based in its Orlando headquarters, as well as licensed operators that operate and maintain facilities located throughout the state. As such, Florida Water has the technical ability to provide quality service to the customers in the additional territory.

From the information provided with the application, the utility has the financial ability to provide quality service to the customers in the additional territory. With respect to the financial ability, at year-end 2002, Florida Water's capital

structure consisted of more than \$232 million in total capital, including more than \$110 million in long-term debt and more than \$122 million in equity capital. The developer will design and construct the water distribution system and donate the lines to Florida Water. Therefore, the amendment should not have an immediate impact of the monthly rates and charges.

Based on the above information, we find that the amendment of Certificate No. 106-W, held by Florida Water, to include territory shown on Attachment A of this Order is in the public interest and it is hereby approved. Florida Water shall charge the customers in the territory added herein the rates and charges currently approved in its tariff until authorized to change by this Commission in a subsequent proceeding. Florida Water has returned Certificate No. 106-W to this Commission for entry reflecting the additional territory. The utility has also filed revised tariff sheets reflecting the additional territory.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 106-W, held by Florida Water Services Corporation, [address], is hereby amended to include the territory shown on Attachment A of this Order, which by reference is incorporated herein. It is further

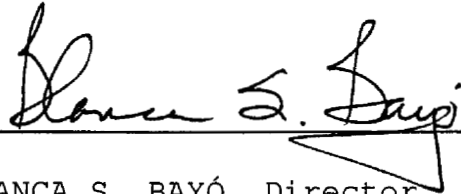
ORDERED that Florida Water Services Corporation shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that the tariff reflecting the additional territory 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 this docket is hereby closed.

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By ORDER of the Florida Public Service Commission this 3rd Day of November, 2003.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L) ,

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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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and

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Administrative Services 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.

FLORIDA WATER SERVICES CORPORATION
Lake County
Silver Lake/Western Shores
Water Service Area - Silver Lake Crest

Township 19 South, Range 25 East, Lake County, Florida

Sections 10 and 15

Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 10, Township 19 South, Range 25 East, Lake County, Florida, and proceed S 89°40'51" W a distance of 400.00 feet to the Point of Beginning; thence proceed S 89°57'03" W a distance of 304.29 feet; thence proceed S 00°19'46" W a distance of 274.67 feet; thence proceed S 36°34'29" W a distance of 65.54 feet; thence proceed N 45°50'35" W a distance of 9.80 feet; thence proceed N 65°55'01" W a distance of 649.91 feet; thence proceed N 00°02'52" E a distance of 64.30 feet; thence proceed N 00°00'52" E a distance of 659.90 feet; thence proceed N 89°52'37" E a distance of 460.66 feet; thence proceed N 11°18'03" E a distance of 407.81 feet; thence proceed N 89°49'43" E a distance of 131.67 feet; thence proceed N 00°35'06" E a distance of 258.97 feet; thence proceed N 88°45'27" E a distance of 296.19 feet; thence proceed S 01°07'11" W a distance of 1,325.13 feet to the Point of Beginning.