

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for quick-take amendment of Certificate No. 357-S in Highlands County by Fairmount Utilities, The 2nd, Inc. | DOCKET NO. 041041-SU
ORDER NO. PSC-05-0106-FOF-SU
ISSUED: January 26, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER ACKNOWLEDGING AMENDMENT OF
WASTEWATER CERTIFICATE NO. 357-S IN HIGHLANDS COUNTY

BY THE COMMISSION:

BACKGROUND

Fairmount Utilities, the 2nd, Inc. (Fairmount or the utility) is a Class C wastewater utility in Highlands County. According to its 2003 annual report, Fairmount serves 428 wastewater customers with annual operating revenues of \$109,660 and a net operating loss of \$23,016. On September 3, 2004, the utility applied for a "quick take" amendment to Certificate No. 357-S, pursuant to Rule 25-30.036(2), Florida Administrative Code. The application was completed on October 29, 2004, when the utility filed a copy of the notice required by Rule 25-30.030, Florida Administrative Code. As explained below, we acknowledge Fairmount's application to expand its certificated territory. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

DECISION

The "quick take" provisions of Rule 25-30.036(2), Florida Administrative Code, allow a utility to amend its certificate to serve additional territory when the number of ERCs to be served does not exceed 25, and when there is no other utility in the area capable of providing service. The utility must show that service is needed due to well contamination, septic tank failure, or that service is otherwise not available. Noticing is required, and if no protest is timely filed, the application shall be considered approved.

The utility has a 40,000 gpd wastewater plant, averaging 36,000 treated gpd. The proposed service territory addition is SunBank, which has to abandon its septic tank and drain field due to the construction of a storm water retention pond on site. The utility states in its

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application that service to the bank will comprise four ERCs. The area is adjacent to the utility's existing wastewater service territory.

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contained the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. A description of the territory requested by the utility is appended to this order as Attachment A. In addition, the application contained proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objection to the notice of application has been received and the time for filing such has expired.

Our staff has contacted the Department of Environmental Protection (DEP) and learned that there are no outstanding notices of violation issued for the utility. The DEP has, however sent a letter of non-compliance, because the wastewater plant flows are approaching capacity. Nevertheless, the DEP does not believe the flows are so high as to preclude the connection of the SunBank to the utility's system.

Based on the above information, we find it is in the public interest to acknowledge the "Quick Take" amendment application filed by Fairmount and to add the additional territory described in Attachment A. The rates and charges approved by the Commission for Fairmount's service area should be applied to the customer in the new service territory.

It is therefore,

ORDERED by the Florida Public Service Commission that Fairmount Utilities, the 2nd, Inc.'s application to amend Certificate No. 357-S to include territory described in Attachment A to this Order is acknowledged. It is further

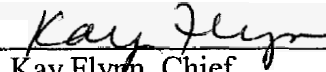
ORDERED that Fairmount shall charge the new customer the rates and charges contained in Fairmount's tariff until authorized to change by this Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th day of January, 2005.

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

By:



Kay Flynn, Chief
Bureau of Records

(S E A L)

MCB

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 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.

HIGHLANDS COUNTY

FAIRMOUNT UTILITIES, THE 2ND, INC.
EXTENTION OF SERVICE TERRITORY TO SERVE SUNBANK

In Section 14, Township 34 South, Range 28 East, Highlands County, Florida;

Commencing at the southwest corner of said Section 14, thence North a distance of 50 feet to the north right-of-way line of Schumacher Road; thence North $86^{\circ} 38'$ East, a distance of 666.54 feet to the east right-of-way line of Virginia Street, also being the POINT OF BEGINNING. Thence North $18^{\circ} 02'$ West, along the east right-of-way line a distance of 141.27 feet to a point; thence continuing North $18^{\circ} 02'$ West, a distance of 100 feet to a point; thence North $71^{\circ} 58'$ East, a distance of 230 feet to the west right-of-way line of US Highway 27; thence South $18^{\circ} 02'$ East, along said right-of-way line a distance of 307.6 feet to a point on the North right-of-way line of Schumacher Road; thence South $86^{\circ} 38'$ West, a distance of 239.31 feet to the POINT OF BEGINNING. All being in Highlands County, Florida.