

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for "quick take" amendment of Certificate No. 339-W in Lake County by Brendenwood Water System, Inc. | DOCKET NO. 050255-WU
| ORDER NO. PSC-05-0678-FOF-WU
| ISSUED: June 20, 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 AMENDING CERTIFICATE NO. 339-W TO INCLUDE ADDITIONAL
TERRITORY IN LAKE COUNTY

BY THE COMMISSION:

Brendenwood Water System, Inc. (Brendenwood or utility) is a Class C water utility located in Lake County. According to its 2004 annual report, Brendenwood serves 58 water connections with annual operating revenues of \$23,374, and a net income of (\$692).

On April 13, 2005, the utility simultaneously filed the initial and completed applications for a "quick take" amendment to Water Certificate No. 339-W in Lake County, pursuant to Rule 25-30.036(2), Florida Administrative Code. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

The application is the result of a recent discovery that in 1999, Brendenwood had inadvertently provided service outside its approved service territory to a newly constructed single family home. The proposed area is adjacent to the utility's existing service territory.

The provision of service outside of its approved territorial boundary to this customer is an apparent violation of section 367.045(2), Florida Statutes, which provides that "[a] utility may not delete or extend its service outside the area described in its certificate of authorization until it has obtained an amended certificate of authorization from the commission." Nevertheless, we find that this apparent violation does not rise to the level of a show cause action because the utility has filed the application at issue in order to come into compliance with the statutory requirement.

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 utility's water treatment facility is made up of one well with chlorination employed as the primary treatment process.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

The utility has provided verification that it owns the land upon which its treatment facility is located. Adequate service territory maps and a territory description have also been provided. A description of the amended territory is appended to this Order as Attachment A and is incorporated herein by reference. In addition, the application contains proof of compliance with the noticing provisions as set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired.

The “quick take” amendment process is designed to provide water and/or wastewater service quickly for areas that serve less than 25 equivalent residential connections (ERCs). Typically, a well or septic tank fails or service is otherwise not available and service is needed as soon as possible. The request for service territory expansion and amendment of existing certificates is considered approved when the utility complies with Rule 25-30.036(2), Florida Administrative Code, and if no protest is timely filed to the notice of application. We find that because service to only one ERC is affected, the simplified “quick-take” filing is appropriate for this case.

We have contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for the Brendenwood water treatment facility. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

Based upon the above information, we find that it is in the public interest to grant the utility’s application. The territory described in Attachment A shall be added to Brendenwood’s water certificated territory. Brendenwood shall charge the customer in the added territory the rates and charges contained in its tariff until it is authorized by this Commission to change them in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Brendenwood Water System, Inc.’s Application for Amendment of Certificate No. 339-W to extend its water service area in Lake County is hereby granted. It is further

ORDERED that Brendenwood Water System, Inc. shall charge the customer in the added territory the rates and charges contained in its tariff until it is authorized by this Commission to change them in a subsequent proceeding. It is further

ORDERED that Attachment A to this Order is incorporated herein by reference. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of June, 2005.

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

By: Hong Wang
Hong Wang, Supervisor
Case Management Review Section

(SEAL)

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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 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.

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Attachment A

BRENDENWOOD WATER SYSTEM, INC.
EXTENTION OF SERVICE TERRITORY

Township 18 South, Range 26 East, Lake County, Florida

Section 32: The East 278.35 feet of the North 156.50 feet of the South 369.2 feet of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 18 South, Range 26 East in Lake County, Florida
LESS the East 33 feet for Rd R/W.