

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Determination of Florida Public Service Commission jurisdiction for provision of water service in Columbia County by Lance Water System.

DOCKET NO. 060481-WU
ORDER NO. PSC-06-0682-PAA-WU
ISSUED: August 7, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

NOTICE OF PROPOSED AGENCY ACTION
ORDER INDICATING EXEMPT STATUS OF LANCE WATER SYSTEM

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Lance Water System (Lance Water or utility) is a small water system, which provides water service to approximately 41 mobile homes and single family homes in Columbia County. Mr. Jeffery Hill is the owner. Lance Water is located in the Suwannee River Water Management District (Suwannee River); however, the utility does not have a Consumptive Use Permit (CUP). Suwannee River has indicated that Lance Water refuses to apply for a CUP. In addition, Suwannee River has filed a suit against Mr. Hill for modifying a dam that has caused flooding. Wastewater service is provided by individually owned septic tanks.

At issue here is whether Lance Water is exempt from regulation by the Florida Public Service Commission pursuant to section 367.022(6), Florida Statutes. Mr. Hill believes that the utility is exempt from Commission regulation as a small system pursuant to section 367.022(6), Florida Statutes, which provides that “[s]ystems with the capacity or proposed capacity to serve 100 or fewer persons” are exempt from Commission regulation. In addition, Rule 25-30.055(1), Florida Administrative Code, provides:

A water or wastewater system is exempt under section 367.022(6), Florida Statutes, if its current or proposed water or wastewater treatment facilities and distribution or collection system have and will have a capacity, excluding fire

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flow capacity, of no greater than 10,000 gallons per day or if the entire system is designed to serve no greater than 40 equivalent residential connections (ERCs).

(Emphasis added.)

According to the Florida Department of Environmental Protection Sanitary Survey, Lance Water's plant design capacity is 26,000 gallons per day (gpd). This exceeds the 10,000 gpd limit for a small system exemption as set forth in Rule 25-30.055(1), Florida Administrative Code. However, the utility is currently serving less than 40 ERCs and there are no plans to expand service. Based on these facts, Lance Water is exempt from Commission jurisdiction at this time. We note, however, that should Lance Water expand its service or if we learn of additional facts which negate Lance Water's exemption, we may exert our jurisdiction at that time.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Lance Water System is exempt from regulation by the Commission. It is further


ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of August, 2006.

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

By:



Kay Flynn, Chief
Bureau of Records

(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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 28, 2006.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.