

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for quick-take amendment of Certificate No. 040-W to extend water service to certain territory in Orange County, by Utilities, Inc. of Florida.	DOCKET NO. 070324-WU ORDER NO. PSC-07-0670-FOF-WU ISSUED: August 21, 2007
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The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

FINAL ORDER AMENDING CERTIFICATE NO. 040-W AND CLOSING DOCKET

BY THE COMMISSION:

Background

Utilities, Inc. of Florida (UIF or utility) is a Class A utility providing water and wastewater service in Marion, Orange, Pasco, Pinellas, and Seminole counties. Water and wastewater rates were last established for this utility by Order No. PSC-07-0505-SC-WS,¹ dated June 13, 2007, a rate case. The above Order required UIF to file an amendment application for all of its systems in which it is serving outside its certificated territory by September 30, 2007, to correct its apparent violation of Subsection 367.045(2), Florida Statutes (F.S.). This application is one of five amendment applications submitted to comply with the order.

On May 18, 2007, the utility applied for a "Quick Take" amendment to Certificate No. 040-W in Orange County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The completed application was filed on June 25, 2007. We have jurisdiction pursuant to Section 367.045, F.S.

Quick Take Amendment

On May 18, 2007, UIF applied for a "Quick Take" amendment to Water Certificate No. 040-W in Orange County, Florida, pursuant to Rule 25-30.036(2), F.A.C. This amendment application is for the Davis Shores and Crescent Heights water systems. The completed application was filed on June 25, 2007. One customer in Davis Shores has been receiving service since 1997 and eight customers in Crescent Heights began receiving service from 1975

¹ In Docket No. 060253-WS, In re: Application for increase in water and wastewater rates in Marion, Orange, Pasco, Pinellas and Seminole Counties by Utilities, Inc. of Florida.

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through 1995. There is also one single family vacant lot in Crescent Heights that the utility believes will need service in the future.

The application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The Davis Shores water system receives bulk water from Orange County and the Crescent Heights water system receives bulk water from the Orlando Utilities Commission.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), F.A.C. A description of the territory requested by the utility is appended to this Order as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), F.S., that it has tariffs and annual reports on file with us. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C. No objections to the application have been received and the time for filing such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment.

The "Quick Take" amendment 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 an existing certificate is considered approved when the utility complies with Rule 25-30.036(2), F.A.C., and if no protest is timely filed to the notice of application.

The utility states that the new territory will not exceed a maximum of 25 ERCs at the time the territory is built out. According to UIF, no other utility in the area is willing and/or capable of providing reasonably adequate service to the territory.

Our staff contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for UIF. The utility has filed revised tariff sheets incorporating the additional territory into its tariff, but cannot locate its certificate.

Based on the above information, we acknowledge UIF's amendment application to expand its territory. The approved territory amendment is as described in Attachment A. This Order shall serve as UIF's amended certificate and shall be retained by the utility. UIF shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Utilities, Inc. of Florida for a quick take amendment of its Certificate No. 040-W in Orange County is acknowledged and the certificate is amended as set forth in the body of this Order. It is further

ORDERED that the proposed territory amendment is as described in Attachment A, which is incorporated by reference herein. It is further

ORDERED that this Order shall serve as Utilities, Inc. of Florida's amended certificate and shall be retained by the utility. It is further

ORDERED that Utilities, Inc. of Florida shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that because no further action is required, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of August, 2007.



ANN COLE
Commission Clerk

(S E A L)

RRJ

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.

UTILITIES, INC. OF FLORIDA

Description of Territory Served

Water Service Territory

Orange County

DAVIS SHORES

Township 23 South, Range 28 East, Section 8

Commence from the Southwest corner of the Northeast 1/4 of Section 8 and run due North 166.5 feet to the Point of Beginning; thence run North $72^{\circ}33'46''$ East a distance of 345.8 feet to a point located on the shoreline of Lake Down; thence run Northwesterly along the meandering shoreline of said lake to a point located 654.1 feet due North of the Southwest corner of the Northeast 1/4 of Section 8; thence run 487.6 feet due South to the Point of Beginning.

CRESCENT HEIGHTS

Township 22 South, Range 28 East, Section 25

From a Point of Beginning located at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 25 run North $0^{\circ}15'2''$ East a distance of 96.8 feet; thence run North $88^{\circ}37'40''$ East a distance of 627.7 feet; thence run South $0^{\circ}1'49''$ East a distance of 100 feet; thence run South $88^{\circ}55'39''$ West a distance of 628.1 feet to a point located on the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 25, also being the Point of Beginning.

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

Utilities, Inc. Of Florida
pursuant to
Certificate Number 040-W

to provide water service in Orange County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
3337	3/16/1962	6502-W	Original Certificate
4352	5/1/1968	7857-WS	Consolidation of Certificates
4943	9/16/1970	6502-W	Transfer of Certificate
4943-A	10/13/1970	6502-W	Amendatory Order
4999	12/14/1970	70313-W	Transfer of Certificate
5721	4/17/1973	C-70313-W	Partial Transfer to Government
5962	12/12/1973	73771-W	Partial Transfer to Government
6192	7/18/1974	74478-W	Partial Transfer to Government
6407	12/18/1974	74831-W	Partial Transfer to Government
6449	1/9/1975	74831-W	Partial Transfer to Government
7053	12/17/1975	750718-W	Transfer of Certificate
7213	4/19/1976	760181-W	Transfer of Certificate
7252	5/27/1976	74831-W	Partial Transfer to Government
PSC-99-2171-FOF-WU	11/08/1999	981589-WU	Partial Transfer to Government
PSC-07-0670-FOF-WU	8/21/07	070324-WU	Amendment