

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 410-W and 305-S to extend water and wastewater service areas to include land in Marion County, by Utilities, Inc. of Florida.	DOCKET NO. 070349-WS ORDER NO. PSC-07-0950-FOF-WS ISSUED: November 29, 2007
---	---

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 APPROVING AMENDMENT OF CERTIFICATE NO. 410-W,  
APPROVING REFUND OF WASTEWATER FILING FEE, 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,<sup>1</sup> dated June 13, 2007, a rate case. The above order fined UIF for serving outside its certificated territory in apparent violation of Section 367.045(2), Florida Statutes (F.S.), and required the utility to file by September 30, 2007, an amendment application for all of its systems in which it was serving outside its territory. On May 30, 2007, the utility applied for an amendment to Certificate Nos. 410-W and 305-S in Marion County, Florida, pursuant to Rule 25-30.036(1), Florida Administrative Code (F.A.C.). This amendment application is one of five required by Order No. PSC-07-0505-SC-WS. UIF also filed amendment applications to address customers being served outside its territory in Orange, Pasco, and Seminole Counties, which we addressed separately.<sup>2</sup>

---

<sup>1</sup> 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.

<sup>2</sup> In Docket No. 070324-WU, 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.

In Docket No. 070326-WS, In re: Application for quick-take amendment of Certificate No. 107-W and 229-S to extend water and wastewater service to certain territory in Pasco County, by Utilities Inc. of Florida.

In Docket No. 070325-WU, In re: Application for quick-take amendment of Certificate No. 278-W to extend water service to certain territory in Seminole County, by Utilities, Inc. of Florida.

DOCUMENT NUMBER - DATE

10576 NOV 29 07

FPSC-COMMISSION CLERK

The utility also filed an application to amend its wastewater certificate, but then withdrew that request. Therefore, no amendment of the wastewater territory is being considered at this time.

The system in this application is located in the Southwest Florida Water Management District (SWFWMD). We have jurisdiction pursuant to Section 367.045, F.S.

Amendment of Water Certificate No. 410-W

As stated above, the utility initially filed an application to amend both its water and wastewater certificates in Marion County, but then withdrew its wastewater amendment application. Therefore, in this Order we are only considering the amendment of Water Certificate No. 410-W. This amendment application is for the Golden Hills water system. It appears that when this system was purchased by UIF in 1984, the customers served did not match the service area transferred to UIF by this Commission. The territory requested in the application is contiguous to the utility's existing service territory and includes 460 active customers, a portion of which the utility was serving when it bought this system in 1984, plus about 60 vacant lots that are planned to be developed and served at build out. Future development will involve a standard developer agreement where the water facilities necessary to provide service will be constructed by the developer and deeded to the utility. There are no other utilities nearby that can provide service to these lots.

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 utility provides water service through its two wells.

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 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 Department of Community Affairs has reviewed the filing and commented that the proposed expansion of territory is consistent with the Marion County Comprehensive Plan. The utility has filed revised tariff sheets incorporating the additional water territory into its tariff.

Based on the above information, UIF's application to expand its territory and amend Certificate No. 410-W is approved, and the utility shall be allowed to serve the territory as described in Attachment A. This Order shall serve as UIF's amended certificate and shall be

---

In Docket No. 070360-WS, In re: Application for amendment of Certificates 278-W and 225-S to extend water service area to include Ravenna Park/Lincoln Heights, Park Ridge, and Jansen systems, and to extend wastewater service area to include Ravenna Park/Lincoln Heights system in Seminole County, by Utilities, Inc. of Florida.

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.

Withdrawal of Wastewater Amendment Application and Refund of Filing Fee

With the application filed May 30, 2007, the utility paid a \$1000 filing fee for the water amendment and the wastewater amendment application, pursuant to Rule 25-30.020(2)(b), F.A.C. However, on September 28, 2007, the utility withdrew its request to amend its wastewater service area, and requested a refund of the filing fee of \$500. The utility is not serving any wastewater customers outside its current service area, and has decided not to enlarge its certificated territory to add customers at this time.

When a utility requests a refund of its filing fee, the request is analyzed in terms of the amount of time and work that our staff has devoted to processing the utility's application. In cases where our staff has not yet committed significant time and effort, such as where only the Case Assignment and Scheduling Record has been established, we have refunded the utility's application fee.<sup>3</sup> However, where our staff has devoted a significant amount of time in processing the application, we have denied the refund of the filing fee.<sup>4</sup>

In this instance, our staff has spent a minimal amount in the review of this filing. A CASR was prepared, a letter written to the utility requesting additional information for the water and wastewater applications, and a little over a one-page recommendation on the wastewater application was written. Thus, we find that UIF's withdrawal of its application for amendment of Certificate No. 305-S shall be acknowledged, and the filing fee of \$500 for the wastewater application shall be refunded.

Based on the foregoing, it is

---

<sup>3</sup> See Order No. PSC-95-0466-FOF-WU, issued April 12, 1995, in Docket No. 950015-WU, In re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc.; and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.; Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS, finding that Commission practice is to refund a filing fee if no significant time and effort have been spent on a case, In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; and Order No. 19133, issued April 12, 1988, in Docket No. 871326-SU, directing that the filing fee be refunded, as virtually no Commission staff time or resources had been expended, In re: Objection of Highlands Utilities Corporation to notice of C & H Utilities Corporation of application to amend Certificate No. 423-S in Highlands County; and application of C & H Utilities Corporation for amendment of Certificate No. 423-S in Highlands County; Order No. PSC-07-0326-FOF-WU, issued April 16, 2007, in Docket No. 060806-WU, In re: Application for amendment of Certificate No. 347-W to add territory in Marion County by Marion Utilities, Inc.

<sup>4</sup> See Order No. 20717, issued February 9, 1989, in Docket No. 880830-WS, In re: Objection to application of Seacoast Utilities for approval of transfer of Certificates Nos. 29-W and 29-S in Palm Beach County to Juniper Development Group; and Order No. PSC-94-0776-FOF-WS, issued June 22, 1994, in Docket No. 931198-WS, In re: Application for transfer of Certificates Nos. 326-W and 274-S in Volusia County from Pine Island Utility Corporation to Landis Enterprises, Inc.

ORDER NO. PSC-07-0950-FOF-WS

DOCKET NO. 070349-WS

PAGE 4

ORDERED by the Florida Public Service Commission that Utilities, Inc. of Florida's application to expand its territory and amend Certificate No. 410-W is approved, and the utility shall be allowed to serve the territory described in Attachment A. 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 the utility's withdrawal of its application for amendment of Certificate No. 305-S is acknowledged, and the utility shall be refunded its filing fee of \$500. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 29th day of November, 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  
Marion County

Golden Hills

In Sections 25, 30, 31, and 36, Township 14 South, Range 20 East

Commence from the Southeast corner of Section 25 and run North 89°26'57" West a distance of 1,317.3 feet to the Point of Beginning; thence run North 0°16'32" East a distance of 3,723.7 feet; thence run South 89°35'26" East a distance of 181.9 feet; thence run North 0°22'15" East a distance of 200.9 feet; thence run North 89°57'19" East a distance of 255.6 feet; thence run North 46°3'51" East a distance of 118.1 feet; thence run North 0°00'00" East a distance of 152.8 feet; thence run North 90°0'0" a distance of 231.4 feet; thence run North 22°46'42" East a distance of 277.6 feet; thence run North 90°0'0" East a distance of 300.5 feet; thence run North 1°4'8" East a distance of 53.6 feet; thence run North 90°0'0" East a distance of 268.1 feet crossing the East line of Range 20; thence run North 1°5'39" East a distance of 115.2 feet; thence run South 89°12'17" East a distance of 201.7 feet; thence run North 0°0'0" East a distance of 56.5 feet; thence run South 89°10'26" East a distance of 249.7 feet; thence run North 0°0'0" East a distance of 124.5 feet; thence run South 89°28'50" East a distance of 242.6 feet; thence run North 1°13'35" East a distance of 98.1 feet; thence run South 89°26'26" East a distance of 1,249.3 feet; thence run South 0°40'24" West a distance of 246.8 feet; thence run South 89°18'40" East a distance of 241.2 feet; thence run South 0°38'34" West a distance of 445.7 feet; thence run South 89°23'13" East 224.3 feet; thence run South 0°36'44" West a distance of 1,497.3 feet; thence run South 89°14'50" East a distance of 1,316.7 feet; thence run South 0°43'3" West a distance of 2,100.1 feet; thence run North 89°15'23" West a distance of 654.9 feet; thence run South 0°34'26" West a distance of 1,707.2 feet; thence run North 89°42'52" West a distance of 641.8 feet; thence run South 0°52'49" West a distance of 1,770.4 feet; thence run North 77°59'54" West a distance of 1,421.6 feet; thence run North 84°54'36" West a distance of 1,004.2 feet; thence run North 89°14'10" West a distance of 3,971 feet crossing the West line of Range 21; thence run North 0°43'25" East a distance of 1,179.7 feet; thence run North 89°11'20" East a distance of 1,321.1 feet; thence run North 0°32'11" a distance of 1,314.1 feet to a point located on the South boundary line of Section 25, thence run South 89°19'45" East along the South boundary line of Section 25, a distance of 1,320.9 feet to the Point of Beginning.

Less:

The Northeast 1/4 of the Northeast 1/4 of Section 36, except the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4.

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**Utilities, Inc. of Florida**  
**pursuant to**  
**Certificate Number 410-W**

to provide water service in Marion 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>
14586	07/19/85	850185-WU	Transfer
19445	06/06/88	880072-WS	Transfer
25643	01/27/92	910992-WS	Transfer
PSC-07-0950-FOF-WS	11/29/07	070349-WS	Amendment