

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Ordinance by Board of County Commissioners of St. Johns County relating to regulation of water and wastewater utilities within the unincorporated areas of St. Johns County.

DOCKET NO. 090029-WS
ORDER NO. PSC-09-0092-FOF-WS
ISSUED: February 12, 2009

The following Commissioners participated in the disposition of this matter:

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

FINAL ORDER ACKNOWLEDGING ORDINANCE TRANSFERRING JURISDICTION BY
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

BY THE COMMISSION:

On December 2, 2008, the Board of County Commissioners of St. Johns County passed Ordinance No. 2008-57, declaring the privately-owned water and wastewater facilities in St. Johns County to be subject to the provisions of Chapter 367, Florida Statutes (F.S.). The effective date of the Ordinance was to be the date the Ordinance was filed with the Public Service Commission. Therefore, the effective date of the transfer of jurisdiction is January 16, 2009.

Pursuant to Section 367.171(1), F.S., the provisions of the Chapter become effective in a county upon the adoption of a resolution or ordinance by the board of county commissioners declaring the County subject to the Chapter's provisions. Any board of county commissioners which adopts such a resolution or ordinance is required to notify immediately the Commission of its adoption and submit the resolution or ordinance to the Commission.

Each privately-owned utility in St. Johns County is required to register with the Commission within thirty (30) days of the date the Commission received jurisdiction, or by February 16, 2009, pursuant to Section 367.171(2)(a), F.S. Pursuant to Section 367.031, F.S., all utilities must either obtain a certificate of authorization from the Commission or be exempt from Commission regulation.

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system is entitled to receive a grandfather certificate for the area served by the utility on the day the Chapter becomes applicable to it. Within 90 days after the day the Chapter becomes applicable, the utility is required to apply for a grandfather certificate by filing an

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application with the Commission. In addition, since the utility is subject to the Chapter, each utility must continue to collect the rates and charges for water and wastewater service which were being collected on January 16, 2009, until changed by the Commission.

Entities which are not exempt from Commission regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets. These applicants will also be advised of their responsibility to file an annual report for 2009, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit annual regulatory assessment fees (RAFs) from January 16 through December 31, 2009, pursuant to Rule 25-30.120, F.A.C. The applicants will also be advised of their right to file for a pass-through of RAFs, should they not be currently collecting RAFs, or if they are collecting a lesser amount than they would be paying to the Commission.

Based on the above information, we acknowledge Ordinance No. 2008-57 by the County Commissioners of St. Johns County, effective January 16, 2009. All non-exempt, privately-owned water and wastewater utilities in St. Johns County, or any utility which transverses the boundary between St. Johns and any other County, shall comply with the provisions of Chapter 367, F.S. We have contacted the County Administrator for a list of the privately-owned water and wastewater utilities which were regulated by St. Johns County on January 16, 2009, along with available information on each utility's current rates, charges, and territory served. We have also contacted the Florida Department of Environment Protection (FDEP) to advise it of the Ordinance and obtain a list of all privately-owned water and wastewater facilities in St. Johns which FDEP monitors for environmental compliance. The utilities identified by the County and FDEP will receive a letter from this Commission advising them of the transfer of jurisdiction and providing them with information to determine whether or not they are exempt from Commission regulation pursuant to Section 367.022, F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ordinance No. 2008-57 by the Board of County Commissioners of St. Johns County, effective January 16, 2009, is hereby acknowledged as set forth herein. It is further

ORDERED that all non-exempt, privately-owned water and wastewater utilities in St. Johns County, or any utility which transverses the boundary with St. Johns, shall comply with the provisions of Chapter 367, F.S. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of February, 2009.



ANN COLE
Commission Clerk

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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 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.