

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 249-S to extend territory in Volusia County by North Peninsula Utilities Corp. and a request for approval of a new class of service for a general service wastewater customer in Volusia County.

DOCKET NO. 090040-SU  
ORDER NO. PSC-09-0420-TRF-SU  
ISSUED: June 15, 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

ORDER APPROVING TARIFF FILING FOR NEW CLASS OF SERVICE  
AND  
FINAL ORDER APPROVING AMENDMENT OF CERTIFICATE NO. 249-S

BY THE COMMISSION:

Background

North Peninsula Utilities Corp. (North Peninsula or Utility) is a Class C utility. By Order No. 8116, issued December 22, 1977, we established original wastewater rates and granted Certificate No. 249-S to the Utility to serve territory in Volusia County.<sup>1</sup> A transfer occurred in 1989 and the Utility has had four amendments. North Peninsula provides wastewater service to approximately 563 residential wastewater customers. Water service is provided by the City of Ormond Beach to these customers.

On March 2, 2009, the Utility applied for a "Quick Take" amendment in Volusia County for its wastewater system. On April 21, 2009, the Utility filed for approval of Original Sheet No. 18.1 to establish a new general service wastewater rate. The proposed area is located in the St. Johns River Water Management District. We have jurisdiction pursuant to Section 367.045, 367.081 and 367.091, Florida Statutes (F.S.).

<sup>1</sup> In Docket No. 770595-S, In re: Application of Shore Utility Corporation for a certificate to Operate a Sewer Utility in Volusia County, Florida. Section 367.041, Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

“Quick Take” Application

On March 2, 2009, North Peninsula applied for a “Quick Take” amendment to Certificate No. 249-S in Volusia County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.), to serve a restaurant. The completed application was filed on March 18, 2009. The requested territory is contiguous to the Utility’s existing service territory.

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. 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. The additional territory requested by North Peninsula is described in 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 this Commission.

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 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 application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C.

The Utility states that the new territory will not exceed a maximum of 25 ERCs at the time the territory is built out. The proposed amendment is for an existing restaurant whose septic tank is failing. According to North Peninsula, no other utility in the area is willing or capable of providing reasonably adequate service to the territory.

North Peninsula’s wastewater plant is regulated by the DEP Central District office in Orlando. The Utility is current in all of the required chemical analyses and the Utility has met all required standards for wastewater. The wastewater effluent quality is considered to be satisfactory by the DEP.

Based on the above information, North Peninsula’s “quick take” amendment application to expand its territory is acknowledged, and the approved territory amendment is as described in Attachment A to this Order, which shall serve as North Peninsula’s amended certificate and shall be retained by the Utility.

New Class of Service

Section 367.091(5), F.S., provides as follows:

If any request for service of a utility shall be for a new class of service not previously approved, the utility may furnish the new class of service and fix and charge just, reasonable, and compensatory rates or charges therefor. A schedule of rates or charges so fixed shall be filed with the commission within 10 days after the service is furnished. The commission may approve such rates or charges

as filed or may approve such other rates or charges for the new class of service which it finds are just, reasonable, and compensatory.

On April 21, 2009, the Utility filed for approval of Original Sheet No. 18.1 to establish a new class of service for a general service wastewater customer. The Utility's existing tariff contains only a residential flat rate.

The proposed wastewater rate of \$421.28 per month is based on the Utility's existing residential rate of \$30.12. It is estimated that the flow of the restaurant is equal to 14 ERCs. The Utility has discussed the proposed rate with the restaurant and the restaurant has agreed to the rate.

Based on the above, Original Sheet No. 18.1 for a new class of service for a general service wastewater customer shall be approved as filed. The Utility shall file a proposed customer notice to reflect the approved rate. The approved rate shall be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475, F.A.C., provided that the notice has been approved by our staff. The Utility shall provide proof that the customer has received notice within 10 days after the date that the notice is sent.

If no protest is filed by a person whose interests are substantially affected within 21 days of the issuance of the Order, the Tariff Order will become final upon the issuance of a Consummating Order and the docket shall be closed. If a protest is filed within 21 days of the issuance of the Order, the tariff shall remain in effect pending the resolution of the protest, and the docket shall remain open.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that North Peninsula Utilities Corp.'s "quick take" amendment application to expand its territory is acknowledged, and the territory amendment is approved as described in Attachment A to this Order. It is further

ORDERED that this Order shall serve as North Peninsula's amended certificate and shall be retained by the Utility. It is further

ORDERED that Original Sheet No. 18.1 for a new class of service for a general service wastewater customer is approved as filed. It is further

ORDERED that the Utility shall file a proposed customer notice to reflect the Commission approved rate. It is further

ORDERED that the approved rate shall be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475, F.A.C., provided that the notice has been approved by our staff. It is further

ORDERED that the Utility shall provide proof that the customer has received notice within 10 days after the date that the notice is sent. It is further

ORDERED that if no protest is filed by a person whose interests are substantially affected within 21 days of the issuance of the Order, the tariff portion of this Order will become final upon the issuance of a Consummating Order, and the docket shall be closed. It is further

ORDERED that if a protest is filed within 21 days of the issuance of the Order, the tariff shall remain in effect pending the resolution of the protest, and the docket shall remain open.

By ORDER of the Florida Public Service Commission this 15th day of June, 2009.



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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.

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 6, 2009.

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 docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Any party adversely affected by the Commission's final action concerning the amendment of Certificate No. 249-S 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.

North Peninsula Utilities Corp.  
Volusia County  
Description of Wastewater Territory Added

Pip's Place

Lot 67 And The East 45 Feet Of Lot 66, Atlantic Shores, Map Book 23, Page 28, Public Records Of Volusia County, Florida, In Section 21, Township 13 South, Range 32 East, More Particularly Described As Follows:

Commence At The Intersection Of The North Line Of Said Section 21 With The Centerline Of Ocean Shore Boulevard; Thence S23°22'14" E Along Said Centerline 1070.60 Feet; Thence S88°04'46"W, 42.98 Feet To The Northeast Corner Of Said Lot 67 And Point Of Beginning Thence S23°22'14"E Along The East Line Of Said Lot 67, A Distance Of 104.75 Feet To The Southeast Corner Of Said Lot 67; Thence Along The South Line Of Said Lot 67 And Said Lot 66 S88°04'46"W, 155.00 Feet To The South West Corner Of The East 45 Feet Of Said Lot 66; Thence Along The West Line Of The East 45 Feet Of Said Lot 66 N23°22'14"W 104.75 Ft To The Northwest Corner Of The East 45 Feet Of Said Lot 66; Thence Along The North Line Of Said Lot 66 And Said Lot 67 N88°04'46"E, 155.00 Feet To The Point Of Beginning. Containing 0.35 Acres, More Or Less.

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**North Peninsula Utilities Corp.**  
**pursuant to**  
**Certificate Number 249-S**

to provide wastewater service in Volusia 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, canceled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
8116	12/22/77	770595-S	Original Certificate
9365	05/09/80	800320-S	Amendment
22345	12/27/89	891016-SU	Transfer Certificate
24272	03/21/91	900659-SU	Amendment
PSC-96-0262-FOF-SU	02/23/96	951373-SU	Amendment
PSC-09-0420-FOF-SU	06/15/2009	090040-SU	Amendment