

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of
Certificates 260-S and 315-W to extend water
and wastewater service areas to include
territory in Pasco County, by Orangewood
Lakes Services, Inc.

DOCKET NO. 080710-WS
ORDER NO. PSC-09-0470-FOF-WS
ISSUED: July 1, 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 AMENDING CERTIFICATES

BY THE COMMISSION:

Background

Orangewood Lakes Services, Inc. (Orangewood or Utility) is a Class C utility with 485 water and 442 wastewater customers. In 1979, we granted Certificate Nos. 315-W and 260-S to the Utility to serve territory in Pasco County.¹ A recent rate case in Docket No. 070680-WS revealed that Orangewood was serving a mobile home park that was not included in its certificated area.² The mobile home park, which was the Utility's original customer base with 251 mobile homes and a clubhouse, had formerly been exempt from regulation. By Order No. PSC-08-0831-PAA-WS, we required Orangewood to apply for a certificate amendment to include the mobile home park in its service area and declined to order Orangewood to show cause.

On December 15, 2008, the Utility filed an amendment application to include the mobile home park in its water and wastewater certificated area. The mobile home park, as well as the remainder of the Utility's service area, is located in the Southwest Florida Water Management District (SWFWMD).

¹ See Order Nos. 8683, issued January 23, 1979, in Docket No. 780660-S, In re: Application of Orangewood Lakes Services, Inc., for a certificate to operate a sewer utility in Pasco County, Florida. Section 367.041, F.S. and 8703, issued February 1, 1979, in Docket No. 780457-W, In re: Application of Orangewood Lakes Services, Inc., for a certificate to operate a water system in Pasco County, Florida.

² See Order No. PSC-08-0831-PAA-WS, issued December 23, 2008, in Docket No. 070680-WS, In re: Application for staff-assisted rate case in Pasco County by Orangewood Lakes Services, Inc.

DOCUMENT NUMBER - DATE

06662 JUL -1 8

FPC - COMMISSION CLERK

This Order addresses the Utility's application for amendment of Certificate Nos. 315-W and 260-S to include the Orangewood Lakes Mobile Home Park in the Utility's authorized service territory. We have jurisdiction pursuant to Section 367.045, Florida Statutes (F.S.).

Amendment Application

On December 15, 2008, Orangewood filed an application to amend its certificates to include the 251 water and wastewater customers it serves in Orangewood Lakes Mobile Home Park who are outside its certificated area. Orangewood's application complied with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate.

The mobile home park was the original development served by the Utility, but was exempt from Commission regulation pursuant to Section 367.022(5), F.S., because water and wastewater service was included as part of the lot rent. When service was requested from adjacent developments outside the mobile home park, the Utility applied to the Commission for certificates for those developments, but failed to include the mobile home park in its requested service area due to the park's exemption from regulation. Orangewood did not realize that, as a result of serving the adjacent developments, all service provided by the Utility became subject to regulation.

The Utility provided in its application an adequate service territory map and territory description as prescribed by Rules 25-30.036(3)(e) and (i), Florida Administrative Code (F.A.C.). In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C. The Utility stated that the provision of service will be consistent with the local comprehensive plan, and the Utility submitted an affidavit consistent with Section 367.045(2)(d), F.S., that it has tariffs and annual reports on file with the Commission.

Analysis & Ruling

Orangewood has provided service continuously to customers in the extension area since 1973, and thus, the Utility has demonstrated that it has sufficient capacity to serve them. We have contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for the systems. The Utility employs licensed operators to operate the systems.

Regarding the financial impact of these customers on the Utility, the application states that this extension area will not have any impact on the Utility's rates or service availability charges. The customers are already being served by Orangewood and were included in the utility's recent rate case. Consequently, we find that the Utility has demonstrated the financial and technical ability to provide quality service to these customers.

Based on the above, we approve Orangewood Lakes Services, Inc.'s amendment application to include the Orangewood Lakes Mobile Home Park in the Utility's authorized

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service territory. The new territory is described in Attachment A. Attachments B and C to this Order serve as Orangewood Lakes Services, Inc.'s amended certificates and, thus, shall be retained by the Utility. The Utility shall charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Orangewood Lakes Services, Inc.'s application to amend Certificate Nos. 315-W and 260-S to include the Orangewood Lakes Mobile Home Park in its authorized service territory is hereby approved. It is further

ORDERED that this Order shall serve as Orangewood Lakes Services, Inc.'s amended certificates. It is further

ORDERED that Orangewood Lakes Services, Inc. shall charge the customers added to its territory herein the rates and charges contained in its current tariff until authorized to change by the Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 1st day of July, 2009.



ANN COLE
Commission Clerk

(S E A L)

ARW

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.

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Attachment A

Orangewood Lakes Services, Inc.
Pasco County
Description of Water and Wastewater Territory Added

ORANGEWOOD LAKES MOBILE HOME PARK

In Township 26 South, Range 16 East:

The Northeast 1/4 of the Southeast 1/4 of Section 3.

**FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Orangewood Lakes Services, Inc.
pursuant to
Certificate Number 315-W**

to provide water service in Pasco 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>
8703	02/01/79	780457-W	Original
PSC-09-0470-FOF-WS	07/01/09	080710-WS	Amendment

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Orangewood Lakes Services, Inc.
pursuant to
Certificate Number 260-S

to provide wastewater service in Pasco 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>
8683	01/23/79	780660-S	Original
PSC-09-0470-FOF-WS	07/01/09	080710-WS	Amendment