

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in
Putnam County, by St. Johns River Estates
Utilities, LLC.

DOCKET NO. 20230131-WS
ORDER NO. PSC-2024-0455-FOF-WS
ISSUED: October 18, 2024

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman
GARY F. CLARK
ANDREW GILES FAY
GABRIELLA PASSIDOMO

ORDER DENYING APPLICATION FOR STAFF-ASSISTED RATE CASE

BY THE COMMISSION:

Background

St. Johns River Estates Utilities, LLC (“St. Johns” or “Utility”) is a water and wastewater utility serving approximately 90 customers in Putnam County, Florida. On November 30, 2023, St. Johns filed an application for staff-assisted rate case (“SARC”) pursuant to Section 367.0814, Florida Statutes (“F.S.”), and Rule 25-30.455, Florida Administrative Code (“F.A.C.”).¹ The application was accepted by Florida Public Service Commission Staff (“Commission staff”) on December 22, 2023.² However, St. Johns failed to remit its \$1,200 filing fee which resulted in an application denial.³

St. Johns then filed a new application for a SARC on January 30, 2024, coupled with its \$1,200 filing fee.⁴ This second application was accepted by Commission staff with January 30, 2024, as the official date of filing.⁵

After acceptance, Commission staff determined that St. Johns was no longer eligible for a SARC because the Utility is not in compliance with our rules that require the filing of an Annual Report and payment of regulatory assessment fees (“RAFs”). A notice of late Annual Report and delinquent RAFs for 2023 was sent to St. Johns via certified U.S. mail on August 1, 2024.⁶

We have jurisdiction over this matter pursuant to Section 367.0814, F.S.

¹ Document No. 06394-2023, Docket No. 20230131-WS, filed November 30, 2023.

² Document No. 06729-2023, Docket No. 20230131-WS, filed December 22, 2023 (establishing January 22, 2024, as official date of filing and filing fee due date).

³ Document No. 00363-2024, Docket No. 20230131-WS, filed January 29, 2024.

⁴ Document No. 00410-2024, Docket No. 20230131-WS, filed January 30, 2024.

⁵ Document No. 00521-2024, Docket No. 20230131-WS, filed February 2, 2024.

⁶ Document No. 08327-2024, Docket No. 20230131-WS, filed August 8, 2024.

Analysis and Decision

To be eligible for a SARC, an applicant must meet certain threshold requirements detailed in Rule 25-30.455(1)(a)–(c), F.A.C. Specifically, it must (1) have total gross annual operating revenues no more than \$335,000 for water service or wastewater service (or \$670,000 on a combined basis); (2) have at least one year of experience operating the utility for which the rate increase is sought; (3) be in compliance with annual report filings pursuant to Rule 25-30.110(3)–(5), F.A.C.; and (4) be up-to-date with all RAF payments. Failure to satisfy any one of those criteria renders a utility ineligible for a SARC.

On August 1, 2024, Commission staff sent a certified letter to St. Johns. The letter notified the Utility of the change in circumstances now making it ineligible for a SARC. Nonetheless, Commission staff provided St. Johns over three weeks time to remedy the deficiencies. St. Johns needed to do the following by August 23, 2024:

- (1) File its 2023 Annual Report;
- (2) Pay an Annual Report late fee of \$485.00;
- (3) Pay the 2023 water RAF, including penalties, of \$959.82; and
- (4) Pay the 2023 wastewater RAF, including penalties, of \$1,293.26.

Pursuant to Rule 25-30.110(3)(a), F.A.C., each utility must file an annual report with this Commission by March 31st for the preceding year ending December 31st. St. Johns filed its 2023 Annual Report five months late on August 16, 2024. Rule 25-30.110(6), F.A.C., sets forth the penalties for delinquent annual reports. The applicable penalty for a Class C utility is \$3.00 per day plus interest, based on the number of calendar days elapsed from the date due until the date filed. St. Johns remitted a check to cover the late fee in the amount of \$420. Although not the full sum required, we will waive the then-remaining balance of less than \$50.00.

Pursuant to Rule 25-30.120(2)(b), F.A.C., small water and wastewater utilities must file their RAFs with this Commission by March 31st for the proceeding year ending December 31st. St. Johns has not paid its 2023 regulatory assessment fees.⁷ As of August 23, 2024, the amount due for 2023 water RAF, plus penalties pursuant to Rule 25-30.120(7), F.A.C., was \$959.82. As of the same date, the amount due for 2023 wastewater RAF, plus penalties, was \$1,293.26.

Even as we sit here today, St. Johns has still not paid its 2023 RAFs nor entered into a RAF repayment plan despite Commission staff's efforts. An applicant must continuously meet all eligibility criteria in Rule 25-30.455(1), F.A.C., to qualify for a SARC. St. Johns' failure to pay its 2023 RAF balance means it is no longer eligible for a SARC at this time pursuant to Rule 25-30.455(1)(c), F.A.C. We therefore deny St. Johns' SARC application without prejudice.

⁷ On April 2, 2024, the Commission received two RAF checks from St. Johns, but each check bounced.

ORDER NO. PSC-2024-0455-FOF-WS

DOCKET NO. 20230131-WS

PAGE 3

Based on the foregoing, it is hereby

ORDERED that St. Johns River Estates Utilities, LLC's Application of Staff-Assisted Rate Case is DENIED without prejudice.

ORDERED that this docket will be closed thirty (30) days after the issuance of this Order.

By ORDER of the Florida Public Service Commission this 18th day of October, 2024.



ADAM J. TEITELMAN

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CMM

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 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.