

State of Florida

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DIVISION OF WATER &
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Public Service Commission

May 14, 1992

Mr. Charles R. Stewart
Stewart/Barth Utility
37936 Highway 19
Umatilla, FL 32784

ORIGINAL
FILE COPY

920063-WS

Re: Discussion of Feasible Alternatives and Application for
Original Water and Wastewater Certificates for
Stewart/Barth Utility in Lake County, Florida.

Dear Mr. Stewart:

Pursuant to your phone conversation of May 13, 1992, with Mr. Rex Golden, staff has reviewed your application for an exemption once more. Based on that review, we must say that it is staff's opinion that Stewart/Barth Utility does not qualify for exemption under any sections of Chapter 367, Florida Statutes. Stewart/Barth Utility was denied a landlord/tenant exemption by the Commission by Order No. 24311. At the April 21, 1992, Agenda Conference, the Commission deferred its consideration of your application for a combined landlord/tenant and small system exemption to allow you and staff the opportunity to explore other alternatives.

On May 6, 1992, staff met with your attorney, Mr. John Wharton, to discuss some of these alternatives. Some alternatives were discussed at the meeting.

One is simply for Stewart/Barth Utility not to charge for its service to the condominiums.

Another alternative is to form a non-profit association or cooperative owned by the condominiums, Mr. Stewart, and Mr. Barth.

Your other alternative is to file for an original certificate. There is a filing fee for water and one for wastewater required with this application, which is based on the capacity of the systems. Also, a tariff for water and wastewater, which the utility prepares, will list the policies, rates, and charges of the utility. If the utility wishes any change to the tariff, the utility must submit the change for

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approval by the Public Service Commission. An example of a change would be a change in rates or a change of address.

In addition, the utility is responsible for completing and submitting an annual report to the Public Service Commission every year. Regulatory Assessment Fees of 4.5% of annual revenues are due each year when the annual report is filed.

Enclosed with this letter is an application package for an original certificate to operate a water and wastewater utility which is already in existence and charging for service. Included in this package are:

1. Application for certificate pursuant to Section 367.045, Florida Statutes.
2. Chapter 367, Florida Statutes, contains the Commission's jurisdiction over private water and wastewater utilities in Florida. A copy of Section 367.045, regarding applications for original certificates is enclosed for your information.
3. Chapter 25-30 details the rules promulgated to carry out the jurisdiction of the Commission over private water and wastewater utilities. A copy of the rules regarding an application for original certificates is enclosed for your information.
4. Sample publication/legal notice format. **Please submit a legal description for the territory you currently serve, so a list of governmental/regulatory agencies within a 4-mile radius of your territory can be compiled and returned to you.** The list of governmental/regulatory agencies must be notified in accordance with Commission Rule 25-30.030, Florida Administrative Code. Please note the expiration date on the list. If you have not performed the noticing by this date, you must request an updated list by contacting the undersigned.
5. Format for territorial descriptions and maps.
6. Model water and wastewater tariffs which will contain all of the utility's rules, regulations, rates and charges, as well as a copy of Chapter 25-9, Florida Administrative Code, which contains the Commission rules regarding tariff filings.

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The original and fifteen copies of the application and supporting documentation must be filed with:

Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0870

Please note only one copy of the maps and the original and two copies of the tariff(s) are required.

Mr. Stewart, I can understand your frustration with the law that requires your utility to be regulated by the Public Service Commission. However, we have explored every available option in Chapter 367, Florida Statutes, and we do not believe you qualify for exemption. It will be necessary for you to become exempt under some revised circumstances or for you to file an application for a certificate within the next 90 days or staff will be required to recommend appropriate action. If you have any questions concerning this material, please feel free to contact this office.

Sincerely,


John D. Williams, Chief
Bureau of Certification

JDW/dk/db

cc: Charles H. Hill
Donna Kosloski
Division of Legal Services (Golden)
Division of Records and Reporting
Robert Barth
John Wharton, Esquire

Attachment