

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Country) DOCKET NO. 930683-SU
Run Wastewater Utility Company) ORDER NO. PSC-94-0225-FOF-SU
for Wastewater Certificate in) ISSUED: March 2, 1994
Orange County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER GRANTING CERTIFICATES, REQUIRING
PAYMENT OF 1993 REGULATORY ASSESSMENT
FEES AND REQUIRING FILING OF 1993 ANNUAL REPORT

AND

NOTICE OF PROPOSED AGENCY ACTION
ORDER SETTING RATES AND CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein regarding the setting of rates and charges is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On July 13, 1993, the Federal Deposit Insurance Corporation (FDIC) filed an application for a certificate authorizing Country Run Wastewater Utility Company (Country Run or utility) to provide

DOCUMENT NUMBER-DATE

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wastewater service in Orange County. Country Run was constructed by a developer in 1990 and serves approximately 139 customers in the Country Run Subdivision.

Country Run was acquired by FDIC in 1992 through foreclosure. Upon becoming aware of the utility's existence, FDIC was advised that it must apply for a certificate from this Commission to provide wastewater service. As stated previously, FDIC filed the application on July 13, 1993.

According to information provided, FDIC did not file for a certificate because it believed that it was exempt from Commission regulation pursuant to Section 367.022(2), Florida Statutes, which applies to systems owned, operated, managed or controlled by governmental authorities. However, in Order No. PSC-92-0699-FOF-WS the Commission found that the Resolution Trust Company, which is a similar entity, is not exempt from Commission regulation pursuant to Section 367.022(2), Florida Statutes. Because of the confusion and because FDIC has been responsive and cooperative since becoming aware that it is subject to Commission regulation, we will not institute show cause proceedings against FDIC.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$150, pursuant to Rule 25-30.020, Florida Administrative Code.

Rule 25-30.034(1)(e), Florida Administrative Code, requires that a warranty deed be provided in the name of the utility as evidence that it owns the land upon which its facilities are located. The deed provided is in the name of FDIC instead of Country Run. Therefore, FDIC shall provide a copy of a recorded warranty deed in the name of Country Run within 60 days of the date of this Order.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.034(1)(h), (i) and (j), Florida Administrative Code. The territory which Country Run will serve is described on Attachment A of this Order, which by reference is incorporated herein.

FDIC provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the proposed territory. No objections to the

application have been received and the time for filing such has expired.

FdIC has hired Hydrologic Florida, Inc. (Hydrologic) to manage Country Run. Hydrologic has 15 offices in eight states, including five in Florida. Hydrologic employs 38 licensed wastewater operators, 23 licensed water operators and three licensed collection system operators. Mr. Charles C. Sossamon, who is licensed in both water and wastewater, has been the operator of Country Run since 1992. Therefore, we find that FDIC and Hydrologic has demonstrated the technical ability to continue to provide service to the requested territory. Also, according to the agreement between FDIC and Hydrologic, FDIC will continue to provide Hydrologic with the financial resources necessary to continue to operate the utility. In addition, according to the Department of Environmental Protection, there are no outstanding notices of violation against the utility.

Based on the foregoing, we find that it is in the public interest to grant Certificate No. 490-S to Country Run. The territory which Country Run is authorized to serve is described on Attachment A of this Order.

Rates and Charges

Country Run currently charges each residential customer a flat monthly rate of \$28.00 for wastewater service. We find this rate to be reasonable and it is approved.

Country Run does not collect customer deposits or miscellaneous service charges. However, the utility has requested to charge a \$56.00 customer deposit, which is approximately the amount of a customer's bill for two billing periods. This is consistent with Rule 25-30.311(7), Florida Administrative Code, and it will be approved administratively when the utility's tariff is approved.

The utility does not have any service availability charges because its service area is currently built-out. Since no future growth is anticipated, it is not necessary to establish service availability charges.

Country Run shall continue to charge the rates and charges approved herein until authorized to change by this Commission in a subsequent proceeding. The utility has filed a tariff reflecting these rates and charges. The tariff shall be effective on or after stamped approval date stamped on the tariff sheets.

Regulatory Assessment Fees and
Annual Report for 1993

According to Rules 25-30.110(3) and 25-30.120(2), Florida Administrative Code, utilities subject to this Commission's jurisdiction must file annual reports and pay regulatory assessment fees regardless of whether or not a certificate has been granted. Country Run has been subject to this Commission's jurisdiction since it was constructed in 1990.

Country Run was made aware that it is subject to this Commission's jurisdiction on October 7, 1992. At that time, the utility was also advised of its responsibility to apply for a certificate. Therefore, we find it appropriate to require Country Run to pay regulatory assessment fees for 1993 and to file a 1993 annual report. Regulatory assessment fees and the annual report are due by March 31, 1994.

It is, therefore,

ORDERED by the Florida Public Service Commission that Country Run Wastewater Utility Company, c/o Hydrologic Florida, Inc., 5776 Hoffner Road, Orlando, Florida 32822, is hereby granted Certificate No. 490-S to provide service to the territory described on Attachment A of this Order. It is further

ORDERED that Country Run Wastewater Utility Company shall file a copy of a recorded warranty deed in the name of the utility with this Commission within 60 days of the date of this Order as evidence that it owns the land upon which its facilities are located. It is further

ORDERED that Country Run Wastewater Utility Company shall charge the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

ORDERED that Country Run Wastewater Utility Company's tariff shall be effective on or after the stamped approval date on the tariff sheets. It is further

ORDERED that Country Run Wastewater Utility Company shall pay regulatory assessment fees for 1993 by March 31, 1994. It is further

ORDERED that Country Run Wastewater Utility Company shall file a 1993 annual report by March 31, 1994. It is further

ORDERED that the provisions of this Order setting rates and charges, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 2nd day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kary Hlyan

Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

As identified in the body of this order, our action setting rates and charges is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 23, 1994. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date 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.

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 Director, Division of Records and Reporting 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 or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

AMENDMENT A

COUNTRY RUN WASTEWATER UTILITY COMPANY

Territory Description

The following described lands located in portions of Sections 2, 3, and 10, Township 22 South, Range 28 East, Orange County, Florida:

Section 2

The South 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 and the North 1/2 of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 and the West 490 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 and the West 490 feet of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4.

Section 3

The Southeast 1/4 of the Southeast 1/4.

Section 10

The North 155 feet of the West 450 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4.