

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 931113-WU
Grandfather Certificate to) ORDER NO. PSC-94-0519-FOF-WU
Provide Water Service in St.) ISSUED: April 29, 1994
Johns County by SOUTHERN STATES)
UTILITIES, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

FINAL ORDER GRANTING CERTIFICATE

AND

PROPOSED AGENCY ACTION ORDER ESTABLISHING RATES AND CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed under the caption "Rates and Charges," below, 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

Southern States Utilities, Inc. (Southern States or utility) is a class A water and wastewater utility operating in various counties throughout the state of Florida. The utility provides water utility service in St. Johns County from two separate water utility facilities, Palm Valley and Remington Forest. The Palm Valley facility serves 190 single-family customers and five small commercial customers, whereas the Remington Forest facility serves 53 single-family customers. Since 1989, these facilities have been regulated by the St. Johns County Water and Sewer Authority.

DOCUMENT NUMBER-DATE

04029 APR 29 94

FPSC-RECORDS/REPORTING

By Order No. PSC-93-1162-FOF-WU, issued on August 10, 1993, the Commission granted Southern States' Petition for Declaratory Statement. The Commission determined that the water facilities owned and operated by Southern States in St. Johns County are subject to the exclusive jurisdiction of the Commission pursuant to Section 367.171(1), Florida Statutes. On November 17, 1993, Southern States filed an application for a water certificate under grandfather rights, pursuant to Section 367.171, Florida Statutes.

APPLICATION

The utility's application complies with Section 367.045, Florida Statutes, and Rule 25-30.035, Florida Administrative Code, concerning applications for grandfather certificates. Neither the statute nor the rule require noticing for grandfather certificate applications. The application contains a check in the amount of \$150, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

Adequate service territory and system maps and territory descriptions have been provided as prescribed by Rule 25-30.035(9), (10), and (11), Florida Administrative Code. A description of the territories requested by the utility is appended to this Order as "Attachment A," which is, by reference, incorporated herein. The territory includes only the territory served by the utility prior to our receiving jurisdiction.

Further, as required by Rule 25-3-.035(6), Florida Administrative Code, the utility provided evidence, in the form of a recorded warranty deed, indicating that it owns the land upon which it's facilities are located.

In consideration of the above, we find it in the public interest to grant the utility's application for a grandfather certificate. Accordingly, Southern States Utilities, Inc. is hereby granted Certificate No. 562-W to serve the territories described in "Attachment A." For administrative purposes, we note that this utility is made up of two systems: The Palm Valley System and the Remington Forest System.

REGULATORY ASSESSMENT FEES

According to the utility's existing tariff sheets for monthly service rates for Palm Valley and Remington Forest, a 4.5% county regulatory assessment is added to all bills as a separate line

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item. Southern States will no longer be required to remit this assessment to the county; however, Southern States will have to pay the Commission a regulatory assessment fee equal to this percentage on gross revenues. Accordingly, Southern States has incorporated the 4.5% assessment formerly collected for county regulation into the requested rates.

RATES AND CHARGES

Southern States' existing rates and charges are as follows:

Palm Valley

Residential and General Service

Rate Schedule RG

Base Facility Charge:

All meter sizes \$9.10

Gallonage Charge:

0 - 3,000 No Charge
All Excess Gallons \$0.91 per 1,000 gallons

Unmetered Customers:

Flat Rate \$9.67

Meter Installation Charge

| | |
|---------------------------------|-------|
| Palm Valley & Remington Forest: | |
| 5/8 X 3/4" | \$75 |
| 3/4" | \$85 |
| 1" | \$100 |
| 1 1/2" | \$175 |

Service Installation Charge

| | |
|---------------------------------|-------|
| Palm Valley & Remington Forest: | |
| Short Line | \$150 |
| Long Line Unpaved | \$175 |

The utility indicated in its application that there are differences between the existing classifications, rules, regulations, and the service availability policies for Palm Valley and Remington Forest and those in Southern States' uniform tariff. For instance, the Palm Valley tariff contains a violation reconnect fee as the only miscellaneous service charge, whereas the uniform tariff has several miscellaneous services for which charges are assessed. Also, the Palm Valley tariff contains a flat meter installation fee and tap-in charge of \$225, whereas the Remington Forest tariff contains a tap-in fee of \$225. Southern States' uniform tariff separates the meter installation charge, which varies based on meter size, and the service installation charge, which will also vary based on length of line required and presence of roadways. Depending on the circumstances, the charge to a customer for connecting in Palm Valley or Remington Forest may be reduced.

The utility states that implementing the uniform tariff concerning classifications, rules, regulations, and service availability policies in Palm Valley and Remington Forest would be administratively and economically efficient and will not cause the utility to overearn or to be over contributed. Also, Southern States asserts that the Commission incorporated prior Southern States grandfather service areas in St. Lucie and Bradford Counties into its uniform tariff for the purpose of classifications, rules, regulations, and service availability policies. The utility has filed a tariff which reflects the above rates and service availability policy, and the effective date of the tariff shall be the stamped approval date. Based on our review, we find it appropriate to approve the utility's proposed rates and charges.

1993 Regulatory Assessment Fees and Annual Report

Rules 25-30.120(2) and 25-30.110(3), Florida Administrative Code, require utilities, over which the Commission acquires jurisdiction, to pay regulatory assessment fees and file annual reports. Since the Commission granted Southern States' Petition for a Declaratory Statement and acquired jurisdiction over systems owned and operated by Southern States in St. Johns County as of August 10, 1993, we find it appropriate to require Southern States to pay regulatory assessment fees and file an annual report for the St. Johns division from that date through December 31, 1993.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern States Utilities, Inc. is hereby granted Certificate No. 562-W to serve the territory in St. Johns County, Florida, described in Attachment A. It is further

ORDERED that Southern States Utilities, Inc.'s proposed rates and charges are approved, as set forth in the body of this Order. It is further

ORDERED that the effective date for the rates and charges approved herein shall be as set forth in Rule 25-30.475, Florida Administrative Code. It is further

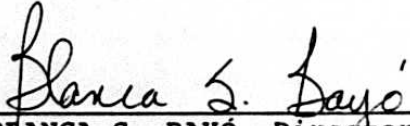
ORDERED that Southern States Utilities, Inc. shall remit regulatory assessment fees and file an annual report for the period August 10, 1993, through December 31, 1993. The regulatory assessment fees shall be paid and the annual report filed with the Commission by March 31, 1994. It is further

ORDERED that the provisions of this Order establishing rates and charges are issued as proposed agency action and shall become final unless an appropriate petition is received from a substantially affected person by the Director of Records and Reporting at her office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the Notice of Further Judicial Proceedings or Judicial Review. It is further

ORDERED that, in the event no timely protest is received, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 29th
day of April, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JBL

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 herein establishing 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 May 20, 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

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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.