

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 941345-WU
certificate to provide water) ORDER NO. PSC-95-0867-FOF-WU
service in Charlotte County by) ISSUED: July 18, 1995
HARBOR LAKES WATER SYSTEMS, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER GRANTING GRANDFATHER CERTIFICATE AND
APPROVING RATES AND CHARGES

AND

NOTICE OF PROPOSED AGENCY ACTION
ORDER MODIFYING LATE FEE CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein 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 September 27, 1994, the Board of County Commissioners of Charlotte County adopted a resolution pursuant to Section 367.171, Florida Statutes, whereby jurisdiction over the privately owned water and wastewater utilities in Charlotte County was transferred to the Florida Public Service Commission. The Commission acknowledged the County's resolution in Order No. PSC-94-1451-FOF-WS, issued November 28, 1994. On December 30, 1994, Harbor Lakes Water System, Inc. (Harbor Lakes or utility) filed its application for a grandfather certificate pursuant to Section 367.171, Florida Statutes, to provide water service in Charlotte County. Harbor Lakes is a Class C utility which provides water service to approximately 388 residential and 4 general service customers.

DOCUMENT NO.

06725-95

7/17/95

APPLICATION

The application is in compliance with the governing statute, Section 367.171, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for a grandfather certificate. The application contains a check in the amount of \$1,000, which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

Harbor Lakes is a bulk water service provider. Therefore, Harbor Lakes did not provide proof of ownership of the utility facilities and the land upon which the facilities are located. However, Harbor Lakes did provide a copy of the easements which permit the Utility to provide potable water service within its certificated service area. We find that these easements are sufficient to comply with the proof of ownership requirements as set out in Rule 25-30.060(3)(g), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.035(9, 10 and 11), Florida Administrative Code. A description of the territory requested by the applicant is appended to this Order as Attachment A. Additionally, since there are no water treatment facilities, there are no DEP water treatment permits. Harbor Lakes provided copies of line extension permits.

Upon consideration of the foregoing, we find it appropriate to grant Harbor Lakes a certificate authorizing its continued provision of water service to the area served by the utility on the day this Commission obtained jurisdiction in Charlotte County. That service area has been verified to be the territory described in Attachment A, which by reference is incorporated herein.

RATES AND CHARGES

The rates and charges currently charged by Harbor Lakes have been in existence since March 1, 1994. Harbor Lakes has filed a tariff with us which reflects the current rates and charges. They are as follows:

Monthly Service Rates

Residential & General Service

Base Facility Charge

Meter Size:

5/8" x 3/4"	\$ 12.86
3/4"	\$ 19.29
1"	\$ 32.15

1-1/2"	\$ 64.30
2"	\$ 102.88
3"	\$ 205.76

Gallage Charge per 1,000 gallons	\$ 3.69
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Multi-Residential Service

Base Facility Charge Meter Size: All Meter Sizes	\$ 12.86
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Gallage Charge per 1,000 gallons	\$ 3.69
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Customer Deposits

Residential:	\$ 100.00
General Service:	\$ 100.00

Fire Hydrant Maintenance Charge

Residential:	\$.64
General Service:	\$.64

Miscellaneous Service Charges

Initial Connection	\$ 0.00
Normal Reconnection	\$ 35.00
Violation Reconnection	\$ 52.50
Premises Visit (in lieu of disconnection)	\$ 35.00

Service Availability Charges

Harbor Lakes does not own any treatment facilities, therefore the utility does not assess a plant capacity charge. The utility collects a meter installation and connection charge based on meter size as follows:

Meter Size:	
5/8" x 3/4"	\$ 430.00
1"	\$ 480.00
1-1/2"	\$ 864.00
2"	\$1056.00
Over 2"	Actual Cost
Plan Review Charge	Actual Cost

Note: Actual Cost is equal to the total cost incurred for services rendered to a customer.

We find these rates and charges to be reasonable and they are hereby approved. Harbor Lakes shall charge these rates and charges until authorized to change by the Commission in a subsequent proceeding. The effective date of the tariff shall be the stamped approval date on the tariff sheets.

Late Fee

Harbor Lakes is currently charging a late fee of 10% of the total amount of the bill if the bill is not paid within 20 days. We find that without further cost justification, a 10% late fee is excessive. Therefore, the utility discontinue its 10% late fee charge. However, we find that a late fee in the amount of \$3.00 per late payment is more appropriate and hereby approve such a charge. Pursuant to Rule 25-30.335(4), Florida Administrative Code, a utility may not consider a customer delinquent in paying his or her bill until the 21st day after the utility has mailed or presented the bill for payment. Harbor Lakes shall therefore further modify its late fee policy to be in accordance with this rule. Our decision on the late fee does not preclude the utility from filing a separate tariff filing with cost justification, pursuant to Section 367.091, Florida Statutes.

CLOSING OF DOCKET

Upon expiration of the protest period for our action herein regarding modification of late fee charges, if a timely protest is not received, no further action will be required and this docket shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Harbor Lakes Water System, Inc., 3737 El Jobean Road, Port Charlotte, Florida 33927, is hereby granted Certificate No. 573-W to serve the territory described in Attachment A of this Order. It is further

ORDERED that Harbor Lakes Water System, Inc. shall charge its customers the rates and charges approved herein until authorized to change by this Commission. The tariff filed by Harbor Lakes Water System, which reflects these rates and charges, shall be effective on the stamped approval date on the tariff sheets. It is further

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ORDERED that Harbor Lakes Water System, Inc. shall discontinue its late fee charge of 10% of the total amount of the bill. It is further

ORDERED that Harbor Lakes Water System is authorized to charge a late fee of \$3.00 per late payment. It is further

ORDERED that Harbor Lakes Water System shall modify its late fee policy so that it is in accordance with Rule 25-30.335(4), Florida Administrative Code. It is further

ORDERED by the Florida Public Service Commission that the provisions of this Order regarding modification of late fee charges are issued as proposed agency action and shall become final, unless an appropriate petition in the form provided by Rule 25-22.029, Florida Administrative Code, is received by the Director of the, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings below. It is further

ORDERED that upon expiration of the protest period for our action herein regarding modification of late fee charges, if no timely protest is received from a substantially affected person, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 17th day of July, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Huzar
Chief, Bureau of Records

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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 regarding modification of late fee 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 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 7, 1995. 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 and/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

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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.

ATTACHMENT A

Harbor Lakes Water System, Inc.

TERRITORY DESCRIPTION

A portion of Plan No. 1 of a part of Ward Seven El Jobean, as recorded in Plat Book 2, Page 37, of the Public Records of Charlotte County, Florida, and a portion of Plan No. 2 of a part of Ward Seven El Jobean, as recorded in Plat Book 2, Page 48, of the Public Records of Charlotte County, Florida, all being more particularly described as follows:

Beginning at the intersection of the Northerly right-of-way line of Russell Avenue and the centerline of the C. H. & N. Railroad; Thence S 72° 11' 23" W along the Northerly right-of-way line of said Russell Avenue, a distance of 1257.07 feet to a point on the arc of a curve whose radius point bears S 67° 00' 19" W from said point, and being the right-of-way line of Seminole Circle; Thence, Northerly and Westerly, along the arc of said curve, having a radius of 332 feet and a central angle of 49° 37' 52", an arc distance of 287.59 feet, to the Easterly right-of-way line of Southland Avenue; Thence N 12° 11' 23" E, along said Easterly right-of-way line, a distance of 2024.95 feet; Thence N 77° 48' 37" W, a distance of 1390.0 feet, to the center of Lincoln Park. Thence N 17° 22' 27" E radially a distance of 331.97 feet to the intersection of Lincoln Circle with the Easterly right-of-way line of Hamner Avenue; Thence N 12° 11' 23" E along the Easterly right-of-way line of Hamner Avenue a distance of 1222.32 feet to the intersection with the Southeasterly right-of-way line of Colonial Avenue; Thence N 72° 11' 23" E along the Southeasterly right-of-way line of Colonial Avenue a distance of 605.01 feet to the Southwesterly extension of the Southeasterly right-of-way line of Ward Road; Thence N 12° 11' 23" E along the Southeasterly right-of-way line of Ward Road a distance of 417.62 feet to a point on the North line of Section 21, Township 41 South, Range 21 East, Charlotte County, Florida; Thence S 89° 32' 10" E along the North line of said Section 21, a distance of 2212.21 feet to the intersection with the centerline of the C. H. & N. Railroad; Thence S 12° 11' 23" W along said centerline a distance of 4258.40 feet to the Point of Beginning, containing 202.5285 acres, more or less.