

MEMORANDUM

April 6, 1998

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D. RS  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (GERVASI) *RS*

RE: DOCKET NO. 971589-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 66-W AND 289-S TO ADD TERRITORY IN OSCEOLA COUNTY BY FLORIDA WATER SERVICES CORPORATION.

98-2485-EDF-WS

Attached is an Order Amending Certificates Nos. 66-W and 289-S to Include Additional Territory and Closing Docket, to be issued in the above-referenced docket.

(Number of pages in order - 7)

RG/lw

Attachment

cc: Division of Water and Wastewater (Redemann, Crouch)

I:971589or.rg

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mailed -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates Nos. 66-W and 289-S to add territory in Osceola County by Florida Water Services Corporation.

DOCKET NO. 971589-WS  
ORDER NO. PSC-98-0485-FOF-WS  
ISSUED: April 6, 1998

ORDER AMENDING CERTIFICATES NOS. 66-W AND 289-S TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On December 5, 1997, Florida Water Services Corporation (Florida Water or utility) filed an application with this Commission to amend Certificates Nos. 66-W and 289-S to include additional territory in Osceola County, Florida. Florida Water is a Class A utility which currently provides service to approximately 79,993 water customers and 42,390 wastewater customers in 28 counties in Florida. The utility's 1996 annual report shows an annual operating revenue of \$44,805,000 and a net operating income of \$9,201,000.

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$2,000, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, the utility provided evidence, in the form of a warranty deed, that it owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory which Florida Water requests to serve in Osceola County is described in Attachment A. Attachment B contains a complete description of the water and wastewater territory served by Florida Water's Buenaventura Lakes facility in Osceola County, including the additional territory requested by the instant application. These attachments are appended to this Order and are incorporated herein by reference.

DOCUMENT NUMBER DATE

03920 APR-68

FPSC RECORDS/REPORTING

The utility submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission. In addition, the utility has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

The utility currently has a pending developer's agreement for 112 single family homes in the requested territory, and other builders have inquired about utility service in the area. Florida Water has met with officials from the City of Kissimmee, who have agreed that water and wastewater service is needed to keep development from halting in the area. Florida Water states that the existing water lines have ample capacity to deliver the water to the requested area under peak conditions. The water system can deliver a maximum day demand of 5.3 million gallons per day (mgd). The highest maximum day was 2.9 mgd within the last 12 months. In the future, an additional well and high service pump may be needed when the area is built out.

The utility also indicates that the existing wastewater lines have sufficient capacity to convey the wastewater to the wastewater plant. The permitted capacity of the wastewater plant is 1.8 mgd. The permitted capacity of the effluent disposal system is 1.930 mgd. Effluent is disposed through rapid infiltration basins (1.330 mgd), a golf course (.5 mgd), and a wetland system (.1 mgd). The current average daily flow is 1.4 mgd. The utility believes that once the existing service area and this development is built out, an expansion of the facility may be required. However, the growth rate is about 200 connections per year, or 40,000 gallons per day. At this rate, it will take approximately 10 years to reach the design capacity of the wastewater plant. Moreover, we note that the Department of Environmental Protection has no outstanding notices of violation issued for this facility. Based on the foregoing, we find that the utility has adequate water and wastewater capacity to serve the requested area.

Since Florida Water has been in operation under our jurisdiction since 1964, and has been providing satisfactory service to its customers, we believe that the utility has demonstrated its ability to provide service to the additional territory. From the information filed with the application, it appears that Florida Water has the financial and technical ability to serve the requested area.

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Based on the foregoing, we find that it is in the public interest to amend Certificates Nos. 66-W and 289-S to include the territory described in Attachment A and also incorporated in Attachment B of this Order. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and has returned its certificates for entry reflecting the additional territory. Florida Water shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificates Nos. 66-W and 289-S, held by Florida Water Services Corporation, 1000 Color Place, Apopka, Florida 32703, are hereby amended to include the territory described in Attachment A and also incorporated in Attachment B of this Order, which attachments are incorporated herein by reference. It is further

ORDERED that Florida Water Services Corporation shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 6th day of April, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

S E A L )

RG

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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 Director, Division of Records and Reporting, 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 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 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 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.

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**ATTACHMENT A**

**FLORIDA WATER SERVICES CORPORATION**

**WATER AND WASTEWATER TERRITORY**

**OSCEOLA COUNTY**

**BUENAVENTURA LAKES - ADDITIONAL WATER AND WASTEWATER SERVICE TERRITORY:**

**Township 25 South, Range 30 East, Osceola County, Florida.**

**Section 4**

All of the Northwest 1/4 lying West of the centerline of Boggy Creek Road (county road 530).

**Section 5**

All of the Northeast 1/4 of the Northeast 1/4.

All of the Southeast 1/4 of the Northeast 1/4 lying West of the centerline of Boggy Creek Road (county road 530).

All of the West 1/2 of the Northeast 1/4 less that portion described as follows:

Begin at the Northeast corner of the West 1/2 of the Northeast 1/4, thence South 00° 02' 00" West 1453.31 feet to a point, thence North 72° 00' 54" West 398.57 feet to a point, thence South 17° 53' 06" West 358.00 feet to a point, thence North 00° 13' 06" East 1321.95 feet to a point, thence North 89° 58' 00" East 1326.93 feet to the point of beginning.

All of the Southeast 1/4 of the Northwest 1/4.

South 726 feet ± of the Southwest 1/4 of the Northwest 1/4.

All of the South 1/2 lying West of the centerline of Boggy Creek Road (county road 530).

ATTACHMENT B

FLORIDA WATER SERVICES CORPORATION

WATER AND WASTEWATER TERRITORY

OSCEOLA COUNTY

**BUENAVENTURA LAKES - Composite Territory Description**

**Township 25 South, Range 29 East, Osceola County, Florida.**

Section 1

All of Section 1.

Section 2

All of that portion of Section 2 lying East of the Florida State Turnpike.

Section 12

All of that portion of Section 12 lying East of the Florida State Turnpike.

**Township 25 South, Range 30 East, Osceola County, Florida.**

Section 4

All of the Northwest 1/4 lying West of the centerline of Boggy Creek Road (County Road 530).

Section 5

All of that portion of Section 5 lying West of the centerline of said Boggy Creek Road (County Road 530).

Section 6

All of Section 6.

Section 7

All of Section 7.

Section 8

All of the Southwest 1/4 of Section 8 lying West of the centerline of said Boggy Creek Road (County Road 530).

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Section 17

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 17 West of the centerline of said Boggy Creek Road (County Road 530) described as follows:

Begin at the Northwest corner of said Section 17, thence North  $89^{\circ} 40' 27''$  East 940.72 feet along the North line of said Section 17 to a point, said point being the intersection of the North line of said Section 17 and the centerline of said Boggy Creek Road (County Road 530), thence South  $33^{\circ} 50' 14''$  West 596.68 feet along the centerline of said Boggy Creek Road (County Road 530) to a point, thence leaving the centerline of said Boggy Creek Road (County Road 530) North  $69^{\circ} 29' 40''$  West 649.13 feet to a point on the West line of said Section 17, thence North  $00^{\circ} 05' 58''$  West 262.87 feet to the point of beginning.

Section 18

That portion of the Northeast 1/4 of the Northeast 1/4 of Section 18 described as follows:

Begin at the Northeast corner of said Section 18, thence South  $00^{\circ} 05' 58''$  East along the East line of said Section 18 a distance of 262.87 feet to a point, thence leaving the East line of said Section 18 North  $69^{\circ} 29' 40''$  West 740.83 feet to a point on the North line of said Section 18, thence North  $89^{\circ} 43' 20''$  East 693.44 feet along the North line of said Section 18 to the point of beginning.