



November 11, 1998

by Federal Express

Mr. Charles Hill
Public Service Commission
Water & Wastewater Division Director
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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Florida Public Service Commission
Division of Water and Wastewater

Re: Docket No. 980467-WS-Amendment Application of Florida Water Services Corporation in Marion County

Dear Mr. Hill:

On behalf of Florida Water Services Corporation ("Florida Water"), I offer the following comments in response to the Department of Community Affairs (DCA) letter which addressed the Florida Water's application for territory expansion in Marion County.

Florida Water and Marion County signed settlement agreement concerning this matter on September 1, 1998. This agreement outlines the respective areas that Florida Water and Marion County will serve surrounding Florida Water's current water and wastewater territory. The attached water and wastewater map (4 copies of each enclosed) show the agreed-upon service areas.

Florida Water maintains that this settlement is consistent with the County's Comprehensive Plan; and, apparently, the County agrees. The Comprehensive Plan announces the desirability of centralized water and sewer rather than wells and septic tanks. In fact, Marion County's Comprehensive Plan states, "[u]pon completion of the County wide wastewater master plan and sanitary sewer master plans, the County shall amend the comprehensive plan to reflect the results of the master plans. The comprehensive plan amendment shall address the provision of wastewater and sanitary sewer facilities consistent with the comprehensive plan's timeframes of 1999 and 2004."

Policy 4.3 of the Potable Water Sub-Element of the Comprehensive Plan states, "Private utilities which are not under any regulatory enforcement action and which have adequate potable water facility capacity for the proposed expansion may provide service to contiguous development within the unincorporated area of the county." Policy 5.3 of the Sanitary Sewer Sub-Element, states "Private utility systems which have sufficient sewage treatment capacity may provide

services to contiguous and adjacent development within the unincorporated areas of the county.” In fact, Policy 4.9 of the Future Land-Use Element states, “Centralized sewer shall be the preferred method of wastewater treatment for all development in Environmentally Sensitive Overlay Zones.” This development is regardless of densities or land use. And it goes without saying that centralized water and wastewater service promotes environmental protection.

I should note that the DCA comments do not reflect the latest revision to Florida Water's territory expansion filed with the FPSC. An amendment to the original application to exclude the Spruce Creek Reserve was filed after the DCA's comment letter. The proposed service territory is attached.

The DCA also contends that much of the requested service territory has a rural land use designation and is not appropriate for central water and wastewater services. The latest Marion County Comprehensive Plan for the Marion Oaks and Florida Highlands areas, which are included in the proposed territory, designates these areas as rural land uses. These areas are currently approved for development and will have centralized water and sewer service. It is Florida Water's contention that it is the County's intent to have all of these areas served with public water and wastewater if feasible regardless of the designation as evidenced by the above mentioned Comprehensive Plan regulations.

Finally, granting Florida Water the expanded franchise area in Marion County in no way conveys approval for development, nor does it supplant the County's control over land use/planning. The County Planning Department retains control over development. It can approve or reject potential development plans. Although Florida Water may obtain a water and wastewater certificate from the PSC, Florida Water cannot provide service unless that development is approved by the appropriate governmental agencies. Therefore, approving Florida Water's expanded territory does not stop the County from rejecting development permit applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew J. Feil". The signature is fluid and cursive, with a large, stylized initial "M".

Matthew J. Feil
Staff Counsel

Enclosures

cc: Charles Sweat
Vice President,
Corporate Development

Water & Wastewater Territory

The proposed addition to water and wastewater territory is as follows:

Township 17 South, Range 20 East and 19E, Marion County, Florida.

That part of Sections 13 and 24 in Township 17 South, Range 19 East, Marion County, Florida and Sections 3, 4, 5, 7, 8, 9, 16, 17, 18, 19, 20 and 30 in Township 17 South, Range 20 East, Marion County, Florida being one mile in width and being more particularly described as:

A tract of land lying northerly and easterly of the Withlacoochee River, lying southerly of the south quarter section line of Sections 3, 4, and 5 of Township 17 South Range 20 East, Marion County, Florida, and lying continuous to, northerly of and measuring one mile perpendicular to the center of State Road 200.

And also,

Section 2

The South $\frac{1}{4}$ of said Section 2.

Section 3

The South $\frac{1}{4}$ of said Section 3 lying East of the centerline of State Road 200.

Section 4

That part of Section 4 lying East of the centerline of State Road 200.

Section 9

The East 50 feet of the North 1520 feet of said Section 9.

Sections 10, 11, 13, 14, 15

All of said Sections.

Section 16

That part of Section 16 lying East of the centerline of State Road 200 less and except:

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 16.

Section 17

That part of Section 17 lying East of the centerline of State Road 200.

Section 19

That part of Section 19 lying East of the centerline of State Road 200.

Section 20

That part of Section 20 lying East of the centerline of State Road 200.

Sections 21, 22, 23, 24, 25, 26, 27, 28

All of said Sections.

Section 29

That part of Section 29 lying North and East of the Withlacoochee River.

Section 30

That part of Section 30 lying North and East of the Withlacoochee River and East of the centerline of State Road 200.

Section 32

That part of Section 32 lying North and East of the Withlacoochee River.

Section 33

That part of Section 33 lying North and East of the Withlacoochee River.

Sections 34, 35, 36

All of said Sections.

Township 17 South, Range 21 East, Marion County, Florida.

Section 9, 16, 19, 29, 30, 31, 32

All of said Sections.

Water Territory Only

The proposed addition to water territory is as follows:

Township 17 South, Range 21 East, Marion County, Florida.

Section 1

The Southwest $\frac{1}{4}$ of said Section 1 lying West of the Westerly right-of-way of Interstate 75 less and except:

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 1.

Section 18

The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 18.

Section 20

The Southwest $\frac{1}{4}$ of said Section 20 and the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 20.

Wastewater Territory Only

1. The proposed addition to wastewater territory is as follows:

Township 17 South, Range 20 East, Marion County, Florida.

Sections 1

The South $\frac{1}{4}$ of said Section 1.

Section 12

All of said Section.

Township 17 South, Range 21 East, Marion County, Florida.

Section 1

The Southwest $\frac{1}{4}$ of said Section 1 lying West of the Westerly right-of-way of Interstate 75.

Section 2

The South $\frac{1}{4}$ of said Section 2 and the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2 and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2 and the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 2.

Section 6

The South $\frac{1}{4}$ of said Section 6.

Section 12

That part of Section 12 lying West of the Westerly right-of-way of Interstate 75.

Section 13

The South $\frac{3}{4}$ of the Southwest $\frac{1}{4}$ of said Section 13 and the West $\frac{1}{2}$ of the North $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 13.

Section 15

The Northwest $\frac{1}{4}$ of said Section 15 and the West $\frac{3}{4}$ of the Southwest $\frac{1}{4}$ of said Section 15.

Section 18

The East $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 18.

Sections 20, 21

All of said Sections.

Section 22

The West $\frac{1}{2}$ of said Section 22.

Section 24

The West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 24 and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 24 and the West $\frac{1}{2}$ of said Section 24.

Section 25

All of said Section.

Section 26

The South $\frac{1}{2}$ of said Section 26 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 26 and the East $\frac{3}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 26 and the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 26.

Sections 27, 28, 33, 34, 35

All of said Sections.

Section 36

The West $\frac{3}{4}$ of said Section 36 and the South $\frac{3}{4}$ of the East $\frac{1}{4}$ of said Section 36.

2. The proposed correction to the wastewater territory description due to a typographical error:

Territory currently reads as:

Township 17 South, Range 21 East, Marion County, Florida.

Section 5

The South $\frac{1}{2}$ of said Section 5.

The territory should read as:

Township 17 South, Range 21 East, Marion County, Florida.

Section 5

The South $\frac{1}{4}$ of said Section 5.

Marion Oaks Utilities Territory Description

6/15/98

The following territory description is the new description for both water and wastewater.

Township 17 South, Range 19 East and 20 East, Marion County, Florida.

That part of Sections 13 and 24 in Township 17 South, Range 19 East, Marion County, Florida and Sections 3, 4, 5, 7, 8, 9, 16, 17, 18, 19, 20 and 30 in Township 17 South, Range 20 East, Marion County, Florida being one mile in width and being more particularly described as:

A tract of land lying northerly and easterly of the Withlacoochee River, lying southerly of the south quarter section line of Sections 3, 4, and 5 of Township 17 South Range 20 East, Marion County, Florida, and lying continuous to, northerly of and measuring one mile perpendicular to the center of State Road 200.

And also,

Sections 1

The South $\frac{1}{4}$ of said Section 1.

Section 2

The South $\frac{1}{4}$ of said Section 2.

Section 3

The South $\frac{1}{4}$ of said Section 3 lying East of the centerline of State Road 200.

Section 4

That part of Section 4 lying East of the centerline of State Road 200.

Section 9

The East 50 feet of the North 1520 feet of said Section 9.

Sections 10, 11, 12, 13, 14, 15

All of said Sections.

Section 16

That part of Section 16 lying East of the centerline of State Road 200 less and except:

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 16.

Section 17

That part of Section 17 lying East of the centerline of State Road 200.

Section 19

That part of Section 19 lying East of the centerline of State Road 200.

Section 20

That part of Section 20 lying East of the centerline of State Road 200.

Sections 21, 22, 23, 24, 25, 26, 27, 28

All of said Sections.

Section 29

That part of Section 29 lying North and East of the Withlacoochee River.

Section 30

That part of Section 30 lying North and East of the Withlacoochee River and East of the centerline of State Road 200.

Section 32

That part of Section 32 lying North and East of the Withlacoochee River.

Section 33

That part of Section 33 lying North and East of the Withlacoochee River.

Sections 34, 35, 36

All of said Sections.

Township 17 South, Range 21 East, Marion County, Florida.

Section 1

The Southwest $\frac{1}{4}$ of said Section 1 lying West of the Westerly right-of-way of Interstate 75.

Section 2

The South $\frac{1}{4}$ of said Section 2 and the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2 and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2 and the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 2.

Section 3

The South $\frac{1}{4}$ of said Section 3.

Section 4

The South $\frac{1}{4}$ of said Section 4.

Section 5

The South $\frac{1}{4}$ of said Section 5.

Section 6

The South $\frac{1}{4}$ of said Section 6.

Sections 7, 8, 9, 10, 11

All of said Sections.

Section 12

That part of Section 12 lying West of the Westerly right-of-way of Interstate 75.

Section 13

That Southwest $\frac{1}{4}$ less and except the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 13.

Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,

All of said Sections.

Section 24

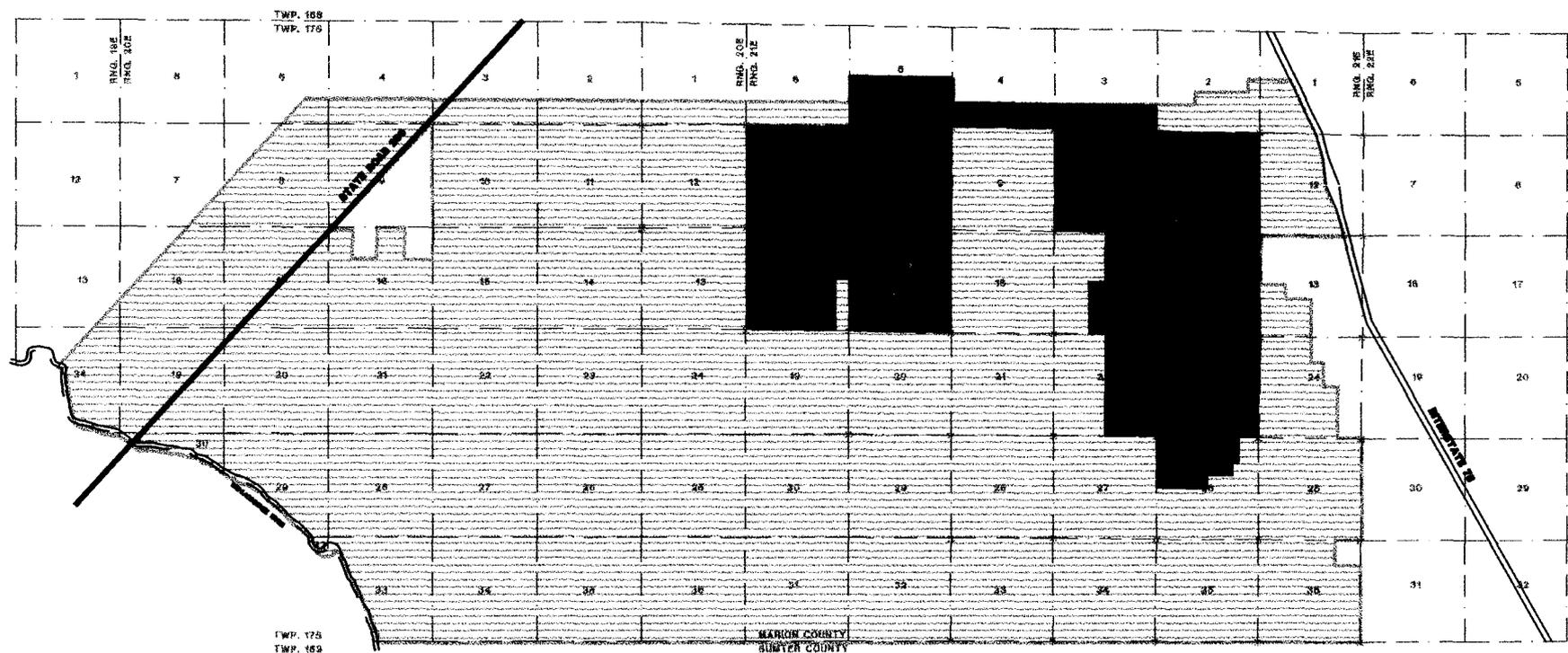
The West $\frac{1}{2}$ of said Section 24 and the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 24 and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 24.

Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35

All of said Sections.

Section 36

All of said Section 36 less and except the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 36.



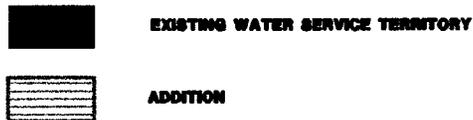
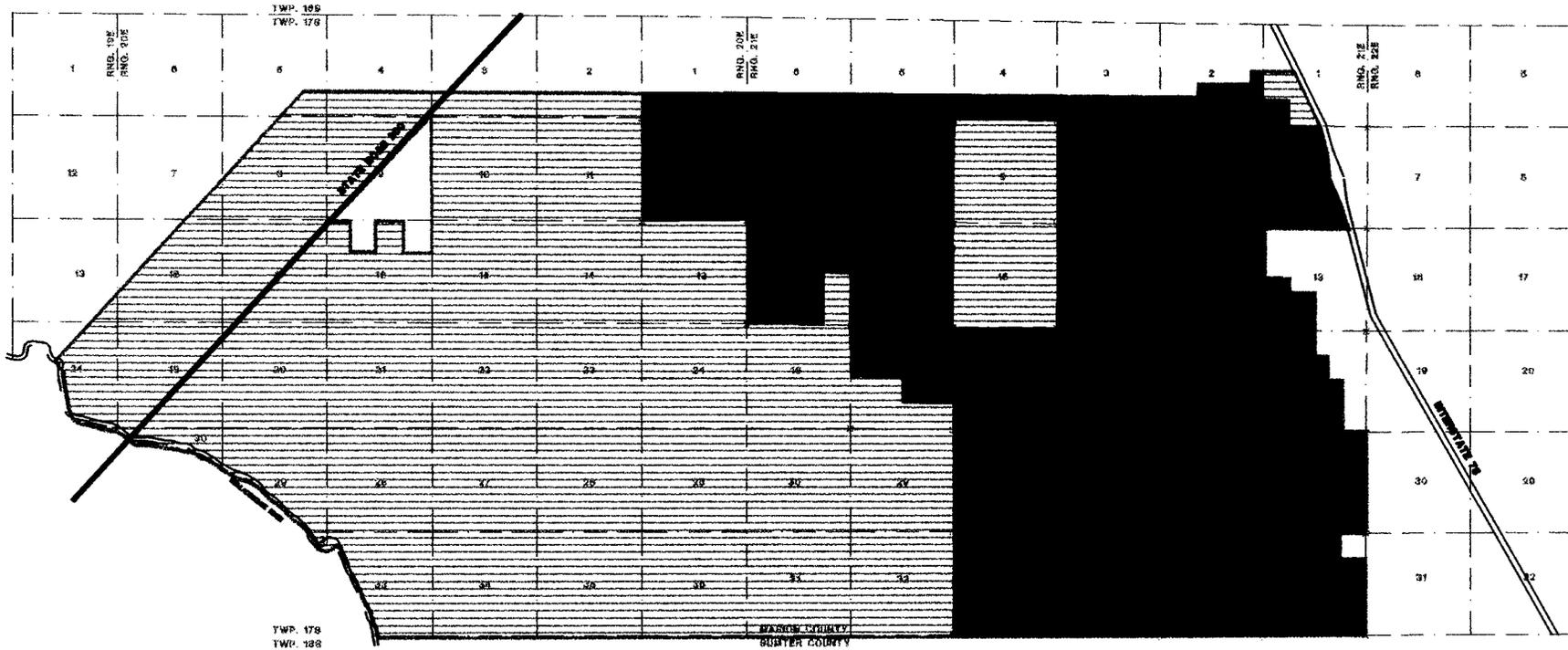
MARION OAKS

WASTEWATER SERVICE TERRITORY

SCALE: 1"=9000'

11X8H.DWG

OCT-14-98



MARION OAKS

WATER SERVICE TERRITORY

SCALE: 1"=9000'

11X8H.DWG

10-14-98



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 24, 1998
TO: Commissioner E. Leon Jacobs, Prehearing Officer
FROM: Tim Vaccaro, Senior Attorney, Division of Legal Services
RE: Docket No. 980467-WS - Application for amendment of Certificates Nos. 373-W and 322-S to add territory in Marion County by Florida Water Services Corporation

On April 1, 1998, Florida Water Services Corporation (FWSC or utility) filed an application for amendment of its water and wastewater certificates to add territory in Marion County. On May 1, 1998, Marion County (Marion or County) filed an objection to FWSC's motion and requested a hearing on its objection. Accordingly, a hearing was scheduled for January 26, 1999. Numerous County residents also filed letters indicating their objection to FWSC's application. However, these letters did not indicate whether the residents wished to participate at hearing as parties.

On September 14, 1998, Marion filed a stipulated agreement entered into by the County and FWSC, resolving its objection to the utility's application. Along with the stipulated agreement, Marion filed a Notice of Withdrawal of Protest. Based on the parties' stipulated agreement and Marion's notice of withdrawal, staff would like to request that you recommend that the Chairman:

1) Cancel the Prehearing Conference currently scheduled on January 6, 1998;

ACK 2) Cancel the Hearing scheduled on January 26-28, 1998.

AFA
APP Cancellation of the Prehearing and Hearing dates will allow staff to bring the parties' stipulated
CAF settlement to the Commission and will allow time to ascertain the intentions of the residents who
CMU filed letters of objection to FWSC's application. I have included a memo from you to Chairman
CTR Johnson requesting cancellation of the Prehearing Conference and Hearing. Thank you.

EAG
LEG TV/lw

LIN
OPC ee: Division of Water and Wastewater (Redemann)
RCH Division of Records and Reporting
SEC 1 Jackie Edwards

WAS
OTH

DOCUMENT NUMBER-DATE

13351 NOV 25 98

FPSC-RECORDS/REPORTING