

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: FEBRUARY 4, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYB)

FROM: DIVISION OF LEGAL SERVICES (FLEMING) *SLE*
DIVISION OF WATER AND WASTEWATER (REDEMANN, MESSER) *RAK*

RE: DOCKET NO. 990086-WS - REQUEST TO CORRECT DESCRIPTION OF
TERRITORY GRANTED BY ORDER NOS. PSC-94-0992-FOF-WS AND
PSC-94-0992A-FOF-WS BY FLORIDA WATER SERVICES CORPORATION
COUNTY: MARTIN

AGENDA: FEBRUARY 16, 1999 - REGULAR AGENDA - INTERESTED PERSONS
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\990086.RCM

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CASE BACKGROUND

Florida Water Services Corporation (Florida Water or utility) is a Class A utility under Commission jurisdiction that provides water and wastewater service to approximately 82,000 water customers and 43,000 wastewater customers. The annual report for 1997 shows that the annual operating revenue for water and wastewater is \$46,413,000 and the net operating income is \$1,040,000.

On July 15, 1993 Southern States Utilities, Inc. (now Florida Water) filed an application for amendment of Certificate Nos. 368-W and 319-S to include additional areas in Fisherman's Haven, Leilani Heights and Fox Run areas in Martin County. Docket No. 930699-WS was opened to process the amendment. The application for amendment of territory was approved by Order Nos. PSC-94-0992-FOF-WS, issued August 16, 1994 and PSC-94-0992A-FOF-WS, issued August 30, 1994. The area in question is in Leilani Heights.

DOCUMENT NUMBER-DATE

01425 FEB-4 8

FPSC-RECORDS/REPORTING

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On November 12, 1998, staff received Florida Water's letter stating that a scrivener's error in the Leilani Heights water and wastewater territory description occurred in Section 22. This case is being brought to the attention of the Commission to correct Order Nos. PSC-94-0992-FOF-WS and PSC-94-0992A-FOF-WS.

DISCUSSION OF ISSUES

ISSUE 1: Should Florida Water Corporation's request to correct the description of its Leilani Heights service area be granted?

RECOMMENDATION: Yes. The Leilani Heights territory in Order Nos. PSC-94-0992-FOF-WS, and PSC-94-0992A-FOF-WS should be corrected to reflect the water and wastewater territory shown on Attachment A of this recommendation. Also, the utility should send in Certificates Nos. 368-W and 319-S, within 30 days of the issuance date of the order, to be updated. (Redemann, Fleming)

STAFF ANALYSIS: As stated previously, on November 12, 1998, staff received Florida Water's letter stating that in Docket No. 930699-WS, an application for amendment of territory, a scrivener's error for the water and wastewater description of Section 22 occurred for the Leilani Heights service area. The utility further explained that they have been reviewing each of their service areas under the Florida Public Service Commission jurisdiction, comparing maps to legal descriptions, in an effort to improve customer service information. While conducting this review, it came to their attention that the current tariffs for Leilani Heights was not correct. The problem stems from a transcription or scrivener's error in the description of Section 22. The tariff and the last two PSC orders listed earlier the water and wastewater area in Section 22 as follows:

... the South 1/2 of the South 1/2 of the **Northwest 1/4"**

The original Order No. 11246 dated October 14, 1982 reads as follows for Section 22:

The South 1/2 of the Southeast 1/4 of the **Southwest 1/4"**

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The utility provided maps that show the area is clearly in the Southwest 1/4 Section 22. Also, the Southwest 1/4 is contiguous to the area in the North part of Section 27, where Leilani Heights provides service. The utility provided revised tariff sheets. The current description is obviously in error.

Staff has reviewed Docket No. 930699-WS. At the time of the application, the utility was providing wastewater service outside of the current service area to the Jensen Beach Elementary School for the Martin County School Board (MCSB). The utility provided notice to the MCSB, and the other entities and no objection were received. The application was completed and the above orders were issued and the docket was closed. Florida Water has continued to provide wastewater service to the MCSB. This correction does not affect any customers water and/or wastewater service, or add any additional area to Florida Water's certificated territory. Based on the above information, staff recommends the Leilani Heights water and wastewater territory in Orders Nos. PSC-94-0992-FOF-WS and PSC-94-0992A-FOF-WS should be corrected to reflect the territory shown on Attachment A of this recommendation.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, the docket should be closed. (Fleming)

STAFF ANALYSIS: No further action is necessary and the docket should be closed.

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Attachment A

Florida Water Services Corporation

Martin County

Order Nos. PSC-94-0992-FOF-WS, and PSC-94-0992A-FOF-WS - Corrected
Leilani Heights

Water Service Area

Township 37 South, Range 41 East

Section 22

The East 1/2 of the South 1/2 of the South 1/2 of the Southwest 1/4.

Section 27

The North 1/4 lying West of the Florida East Coast Railway, except the South 1/2 of the Northwest 1/4 of the Northwest 1/4.

Wastewater Service Area

Township 37 South, Range 41 East

Section 22

The South 1/2 of the South 1/2 of the Southwest 1/4.

Section 27

The North 1/4 lying West of the Florida East Coast Railway, except the South 1/2 of the Northwest 1/4 of the Northwest 1/4.