



Public Service Commission

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RECORDS AND REPORTING
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DATE: AUGUST 26, 1999

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

FROM: DIVISION OF WATER AND WASTEWATER (REHWINKEL)
DIVISION OF LEGAL SERVICES (CROSBY)

RE: DOCKET NO. 990996-WS - RESOLUTION BY CITRUS COUNTY COMMISSION TO RESCIND CITRUS COUNTY RESOLUTION NO. 73-97 AND REMOVE THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER PRIVATE WATER AND WASTEWATER UTILITIES IN CITRUS COUNTY
COUNTY: CITRUS

AGENDA: 09/07/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\WAW\WP\990996WS.RCM

CASE BACKGROUND

On December 18, 1973, the Citrus County Board of County Commissioners adopted a resolution declaring Citrus County subject to the provisions of Chapter 367, Florida Statutes. This resolution invoked Public Service Commission jurisdiction over all investor-owned water and wastewater systems. On July 27, 1999, the Citrus County Board of County Commissioners met and adopted Resolution No. 99-111 rescinding Florida Public Service Commission jurisdiction in Citrus County effective immediately.

DOCUMENT NUMBER-DATE

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FPSC RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge the resolution adopted by Citrus County's Board of County Commissioners to rescind Commission jurisdiction?

RECOMMENDATION: Yes. The Commission should acknowledge the resolution that rescinds the Commission's jurisdiction in Citrus County. (REHWINKEL, CROSBY)

STAFF ANALYSIS: As stated in the case background, on December 18, 1973, the Board of County Commissioners in Citrus County adopted a resolution declaring Citrus County subject to the provisions of Chapter 367, Florida Statutes. This resolution invoked Public Service Commission jurisdiction over all investor-owned water and wastewater utilities in Citrus County. On July 27, 1999, the Board of County Commissioners of Citrus County, in accordance with Section 367.171(1), Florida Statutes, adopted Resolution No. 99-111 thereby rescinding Public Service Commission jurisdiction in Citrus County effective immediately.

Section 367.171(1), Florida Statutes, provides that a county, after 10 continuous years under jurisdiction of the Commission, may by resolution or ordinance rescind said jurisdiction and thereby exclude itself from the provisions of Chapter 367, Florida Statutes. Citrus County has met that requirement. Therefore, staff recommends that the Commission acknowledge Citrus County's Resolution No. 99-111, which rescinds Commission jurisdiction in Citrus County as of July 27, 1999.

ISSUE 2: Should the Commission cancel the certificates of the regulated utilities in Citrus County?

RECOMMENDATION: As listed in the staff analysis, certificates previously issued to water and wastewater utilities in Citrus County that do not have cases pending before the Commission should be returned to this Commission within 30 days of the Commission's order for cancellation. Certificates listed in the staff analysis held by utilities in Citrus County that have pending cases before the Commission should be returned for cancellation at the conclusion of their respective cases. (REHWINKEL, CROSBY)

STAFF ANALYSIS: Section 367.171(5), Florida Statutes, states that:

When a utility becomes subject to regulation by a county, all cases in which the utility is a party then pending before the Commission, or in any court by appeal from any order of the Commission, shall remain within the jurisdiction of the Commission or court until disposed of in accordance with the law in effect on the day such case was filed by any party with the Commission or initiated by the Commission, whether or not the parties or the subject of any case relates to a utility in a county wherein this chapter no longer applies.

The following utilities had valid Public Service Commission certificates to provide water and wastewater service in Citrus County:

<u>UTILITY</u>	<u>CERTIFICATE NUMBER(S)</u>	
Cinnamon Ridge Utilities, Inc.	360-W	
Crystal River Utilities, Inc.	396-W	
Eldorado Water System	575-W	
Florida Water Services Corp.	189-W	134-S
Forest Hills Water System	568-W	
Heights Water Company	228-W	
Indian Springs Utilities, Inc.		136-S
Meadow Wood	545-W	
Meadows Utility Company, Inc.	361-W	316-S
Rolling Oaks Utilities, Inc.	215-W	148-S
WELLAQUA Co.	513-W	
Windstream Utilities Company	532-W	

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The following utilities have cases pending before the Commission (this includes cases on appeal):

<u>UTILITY</u>	<u>DOCKET NUMBER(S)</u>
Southern States Utilities, Inc.	920199-WS
Southern States Utilities, Inc.	950495-WS
Florida Water Services Corp.	990743-WU
WELLAQUA, Co.	990872-WU

Staff recommends that: (a) Certificate No. 360-W, held by Cinnamon Ridge; (b) Certificate No. 396-W, held by Crystal River Utilities, Inc.; (c) Certificate No. 575-W, held by Eldorado Water System; (d) Certificate No. 568-W, held by Forest Hills Water System; (e) Certificate No. 228-W, held by Heights Water Company; (f) Certificate No. 136-S, held by Indian Springs Utilities, Inc.; (g) Certificate No. 545-W, held by Meadow Wood; (h) Certificates Nos. 361-W and 316-S, held by Meadows Utility Company, Inc.; (i) Certificates Nos. 215-W and 148-S, held by Rolling Oaks Utilities, Inc.; and (j) Certificate No. 532-W, held by Windstream Utilities Company, be canceled and returned to the Commission within 30 days of the Commission's order.

Staff also recommends that Certificates Nos. 189-W and 134-S, held by Florida Water Services Corp., and Certificate No. 513-W, held by WELLAQUA Co., be canceled and returned to the Commission within 30 days of the conclusion of the above-referenced cases currently pending before this Commission (includes those on appeal).

The cancellation of the certificates pursuant to the order should not affect the authority of the Commission to collect, or the obligation of the utilities to pay, regulatory assessment fees accrued prior to the July 27, 1999, transfer of jurisdiction to Citrus County.

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open until all dockets currently pending before the Commission have been closed.
(CROSBY)

STAFF ANALYSIS: Staff is recommending that this docket remain open until all dockets currently pending before the Commission have been closed.