

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by Florida
Water Services Corporation for
amendment of Certificates Nos.
306-W and 255-S in Charlotte and
Lee Counties.

DOCKET NO. 990945-WS
ORDER NO. PSC-00-0279-FOF-WS
ISSUED: February 10, 2000

ORDER AMENDING CERTIFICATES NOS. 306-W AND 255-S TO INCLUDE
ADDITIONAL TERRITORY IN CHARLOTTE AND LEE COUNTIES,
AND CLOSING DOCKET

BY THE COMMISSION:

Florida Water Services Corporation (Florida Water or utility) is a Class A water and wastewater utility that provides water and wastewater service to approximately 82,478 water customers and 41,106 wastewater customers. The annual report for 1998 shows that the annual operating revenue for water and wastewater is \$48,238,000 and the net operating income is \$6,116,000.

On July 21, 1999, the utility applied for an amendment to Water Certificate No. 306-W and Wastewater Certificate No. 255-S in Charlotte and Lee Counties pursuant to Rule 25-30.036(3), Florida Administrative Code. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a check in the amount of \$3,500 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence in the form of a warranty deed that the utility owns the land upon which the utility's facilities are located, as required by Rule 25-30.036(3)(d), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e), (f) and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this Order as Attachment A, which by reference, is incorporated herein. A description of Florida Water's consolidated service area, including the new territory and all previously granted territory, is appended to this Order as Attachment B, which by reference, is incorporated herein.

The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 2

reports on file with the Commission. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application have been received, and the time for such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment. The Department of Community Affairs states there is a need for service in the proposed service area and that the utility's application is consistent with the County's Comprehensive Plan. The utility states that this area will be developed into 1800 units (single family, and multi-family homes) to be known as Caliente Springs/Tern Bay Country Club, and that another developer is planning an area for public warehouses.

The existing water lines have ample capacity to deliver water at a pressure of 55 to 70 pounds per square inch under normal operating conditions for the initial phases of the development. The later phases will require the Caliente Springs/Tern Bay Country Club developer to run water lines from the Caliente/Tern Bay Country Club Development directly to the water treatment plant (Caliente Springs/Tern Bay Springs Water Distribution System). The new distribution system will consist of 12-inch, 10-inch, 8-inch, 4-inch and 2-inch lines. The water treatment system consists of three water supply wells, a reverse osmosis treatment plant, a ground storage tank, and three high service pumps. The system can supply a maximum of 567,000 gallons per day (gpd). The estimated water demand for the proposed development is 547,000 gpd. Florida Water will expand its water treatment facilities as required in order to meet the demand of this developer and other developers. The design for the expansion is currently underway. Construction should begin toward the end of the year 2000. The Department of Environmental Protection (DEP) has no outstanding notices of violation issued for this system.

The existing wastewater lines have sufficient capacity to convey peak wastewater flows under existing conditions for the initial phases of the development. The later phases will require the Caliente Springs/Tern Bay Country Club developer to run a wastewater force main from the Caliente Springs/Tern Bay Country Club Development directly to the wastewater treatment plant (Caliente Springs/Tern Bay Country Club Wastewater Collection System). The wastewater collection system will consist primarily of 8-inch collection lines and an 8-inch force main. The current permitted wastewater treatment and the disposal capacity is 250,000 gpd. The maximum three-month average daily flow is 188,400 gpd. This development will generate about 348,000 gpd of wastewater.

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 3

Wastewater capacity is available for the immediate future, and Florida Water will expand the wastewater treatment and disposal facilities in order to meet the wastewater flows from this developer. The DEP has no outstanding notices of violation issued for this system.

The utility anticipates that non-potable/reuse water service will be needed in the new development and nearby golf courses and that Florida Water will be filing a non-potable/reuse case no earlier than the end of the year 2000.

Florida Water's approved rates were effective pursuant to Order No. PSC-96-1320-FOF-WS, issued October 30, 1996, in Docket No. 950495-WS. That order was affirmed in part and reversed in part by the First District Court of Appeal. See Southern States Utilities, Inc. v. Florida Public Service Commission, 714 So.2d 1046 (Fla. 1st DCA 1998). The remand issues were disposed of by Order No. PSC-99-1794-FOF-WS, issued September 14, 1999. The utility shall charge the current rates and charges approved in its tariff for service to the territory added herein until authorized to change by this Commission in a subsequent proceeding.

Based on the foregoing, we find that the amendment of Water Certificate No. 306-W and Wastewater Certificate No. 225-S to include additional territory in Charlotte and Lee Counties is in the public interest and it is hereby approved. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificates for entry reflecting the additional territory.

Because no further action is necessary, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificates Nos. 306-W and 255-S held by Florida Water Services Corporation, 1000 Color Place, Apopka, Florida 32703, are hereby amended to included the territory described in Attachment A of this Order. It is further

ORDERED that all matters contained in the attachments hereto are, by reference, incorporated herein. It is further

ORDERED that Florida Water Services Corporation shall charge the customers in the territory added herein the rates and charges

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 4

approved in its tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th Day of February, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

TV

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,

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 5

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.

FLORIDA WATER SERVICES, INC.

BURNT STORE SYSTEM

WATER AND WASTEWATER ADDITIONAL SERVICE AREA

CHARLOTTE AND LEE COUNTIES

Additional Territory

Water & Wastewater Addition

Township 42 South, Range 22 East, Charlotte County, Florida.

Sections 13

All of said Section 13 East of Charlotte Harbor.

Township 42 South, Range 23 East, Charlotte County, Florida.

Sections 17

All of said Section 17.

Section 18

All of said Section 18 East of Charlotte Harbor.

Section 32

The North 3/4 of the West 1/2 of said Section 32 and the South 1/2 of the Northeast 1/4 of said Section 32 and the Southwest 1/4 of the Southeast 1/4 of said Section 32.

Township 43 South, Range 23 East, Lee County, Florida.

Section 5

All of said Section 5.

Water Only Addition

Township 42 South, Range 23 East, Charlotte County, Florida.

Section 19

All of the North 1/2 of said Section 19 East of Charlotte Harbor and:

Commencing at the Southeast corner of said Section 19 run North 00°07'31" West a distance of 1,478.89 feet to a Point of Beginning, thence North 70°17'08" West a distance of 1,535.26 feet,

thence North 02°58'13" West a distance of 645.61 feet, thence North 88°26'12" East a distance of 1,478.92 feet, thence South 00°01'31" East a distance of 1,211.59 feet to the Point of Beginning.

Section 20

All of the North 3/4 of said Section 20 and the South 1/2 of the Southeast 1/4 of said Section 20 and:

Commencing at the Southwest corner of Section 20 run North 44°34'25" East a distance of 1,496.80 feet to a Point of Beginning, thence North 49°27'23" West a distance of 85.16 feet, thence North 70°17'08" West a distance of 687.68 feet, thence North 88°25'38" East a distance of 1,026.49 feet, thence South 44°34'25" West a distance of 444.09 feet to the Point of Beginning.

Wastewater Only Addition

Township 42 South, Range 23 East, Charlotte County, Florida.

Section 19

All of said Section 19 East of Charlotte Harbor.

Section 20

All of said Section 20 less and except:

Beginning at the Southwest corner of said Section 20 run North 44°34'25" East a distance of 1,496.80 feet, thence North 44°34'25" East a distance of 444.09 feet, thence North 88°25'38" East a distance of 1,291.47 feet, thence South 00°45'58" West a distance of 1,345.81 feet, thence South 88°25'38" West a distance of 2,636.15 feet, thence North 88°02'44" East a distance of 9.72 feet to the Point of Beginning.

Also an area to the East of the previously described area but not contiguous, located in Section 24, Township 42 South, Range 23 East and Section 19, Township 42 South, Range 24 East more particularly described as follows:

Section 24, Township 42 South, Range 23 East.

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 8

ATTACHMENT A
PAGE 3 OF 3

All of that portion of said Section 24 lying Westerly of the Westerly right of way of U.S. Highway 41, less the North 967 feet of said Section 24.

Section 19, Township 42 South, Range 24 East.

All that portion of said Section 19 lying Westerly of the Westerly right of way of U.S. Highway 41.

FLORIDA WATER SERVICES, INC.

BURNT STORE SYSTEM

WATER AND WASTEWATER CONSOLIDATED SERVICE AREA

CHARLOTTE AND LEE COUNTIES

Burnt Store - Water

Township 42 South, Range 22 East, Charlotte County, Florida.

Section 13

All of said Section 13 East of Charlotte Harbor.

Section 25

All of said Section 25 East of Charlotte Harbor.

Section 36

All of said Section 36 East of Charlotte Harbor.

Township 42 South, Range 23 East, Charlotte County, Florida.

Section 17

All of said Section 17.

Section 18

All of said Section 18 less Charlotte Harbor.

Section 19

All of said Section 19 East of Charlotte Harbor.

Sections 20, 29

All of said Sections 20 and 29.

Section 30

All of said Section 30 East of Charlotte Harbor.

Sections 31, 32

All of said Sections 31 and 32.

Section 33

The Northwest 1/4 of said Section 33.

Township 43 South, Range 22 East, Lee County, Florida.

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 10

ATTACHMENT B
PAGE 2 OF 4

Section 1

All of said Section 1 East of Charlotte Harbor.

Township 43 South, Range 23 East, Lee County, Florida.

Section 5

All of said Section 5.

Section 6

All of said Section 6 less and except the South 1,170 feet of the East 4,170 feet and the South 840 feet of the West 1,130 feet.

Also an area to the East of the previously described area but not contiguous, located in Section 24, Township 42 South, Range 23 East and Section 19, Township 42 South, Range 24 East more particularly described as follows:

Section 24, Township 42 South, Range 23 East.

All of that portion of said Section 24 lying Westerly of the Westerly right of way of U.S. Highway 41, less the North 967 feet of said Section 24.

Section 19, Township 42 South, Range 24 East.

All that portion of said Section 19 lying Westerly of the Westerly right of way of U.S. Highway 41.

Burnt Store - Wastewater

Township 42 South, Range 22 East, Charlotte County, Florida.

Section 13

All of said Section 13 East of Charlotte Harbor.

Section 25

All of said Section 25 East of Charlotte Harbor.

Section 36

All of said Section 36 East of Charlotte Harbor.

Township 42 South, Range 23 East, Charlotte County, Florida.

Section 17

All of said Section 17.

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 11

ATTACHMENT B
PAGE 3 OF 4

Section 18

All of said Section 18 East of Charlotte Harbor.

Section 19

All of said Section 19 East of Charlotte Harbor.

Section 20

All of said Section 20 less and except:

Beginning at the Southwest corner of said Section 20 run North 44°34'25" East a distance of 1,496.80 feet, thence North 44°34'25" East a distance of 444.09 feet, thence North 88°25'38" East a distance of 1,291.47 feet, thence South 00°45'58" West a distance of 1,345.81 feet, thence South 88°25'38" West a distance of 2,636.15 feet, thence North 88°02'44" East a distance of 9.72 feet to the Point of Beginning.

Section 29

All of said Section 29.

Section 30

All of said Section 30 East of Charlotte Harbor.

Sections 31, 32

All of said Sections 31 and 32.

Section 33

The Northwest 1/4 of said Section 33.

Township 43 South, Range 22 East, Lee County, Florida.

Section 1

All of said Section 1 East of Charlotte Harbor.

Township 43 South, Range 23 East, Lee County, Florida.

Section 5

All of said Section 5.

Section 6

All of said Section 6 less and except the South 1,170 feet of the East 4,170 feet and the South 840 feet of the West 1,130 feet.

Also an area to the East of the previously described area but not contiguous, located in Section 24, Township 42 South, Range 23 East

ORDER NO. PSC-00-0279-FOF-WS
DOCKET NO. 990945-WS
PAGE 12

ATTACHMENT B
PAGE 4 OF 4

and Section 19, Township 42 South, Range 24 East more particularly described as follows:

Section 24, Township 42 South, Range 23 East.
All of that portion of said Section 24 lying Westerly of the Westerly right of way of U.S. Highway 41, less the North 967 feet of said Section 24.

Section 19, Township 42 South, Range 24 East.
All that portion of said Section 19 lying Westerly of the Westerly right of way of U.S. Highway 41.

c/2/2

MEMORANDUM

RECEIVED FPSC

FEB -9 PM 4:01

February 9, 2000

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *N 198*

RE: DOCKET NO. 990945-WS - APPLICATION BY FLORIDA WATER SERVICES CORPORATION FOR AMENDMENT OF CERTIFICATES NOS. 306-W AND 255-S IN CHARLOTTE AND LEE COUNTIES.

0279-FOF

Attached is an ORDER AMENDING CERTIFICATES NOS. 306-W AND 255-S TO INCLUDE ADDITIONAL TERRITORY IN CHARLOTTE AND LEE COUNTIES, AND CLOSING DOCKET to be issued in the above-referenced docket.

(Number of pages in order - 12)

Attach's entire

TV/lw

Attachment

cc: Division of Water and Wastewater (Redemann)

I:990945OR.TV

*Jared
Mantel
3/6*