

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide water and
wastewater service in Charlotte
County by Hunter Creek
Utilities, LLC.

DOCKET NO. 980731-WS
ORDER NO. PSC-00-0818-FOF-WS
ISSUED: April 25, 2000

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

ORDER CANCELING DELETION PROCEEDINGS AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Hunter Creek Utilities, LLC, (Hunter Creek or utility) is a Class C water and wastewater utility currently providing service to the Rivers Edge mobile home development in Charlotte County. According to its 1998 annual report, the utility serves approximately 44 customers. Its total gross revenues were \$13,787 with a net operating loss of \$21,470.

By Order No. PSC-99-0756-FOF-WS, issued April 19, 1999, in this docket, we granted the utility Certificates Nos. 611-W and 527-S. The utility's water and wastewater service territory include both the served and unserved portions of a subdivision. However, due to the existence of radioactive contaminants in its potable water system, the utility was only allowed to serve existing water customers until the utility met the Florida Department of Environmental Protection's (FDEP) maximum standards on a sustained basis.

Additionally, we ordered that if the utility did not achieve the FDEP's maximum standards on or before September 30, 1999, our staff would prepare a recommendation to limit the utility's water service territory to existing customers until compliance with the FDEP's standards was achieved. The utility failed to meet the

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ORDER NO. PSC-00-0818-FOF-WS
DOCKET NO. 980731-WS
PAGE 2

September 30, 1999, deadline. Therefore, by Order No. PSC-99-2380-PCO-WS, issued December 6, 1999, in this docket, we ordered the initiation of proceedings for the possible deletion of the unserved portion of Hunter Creek's water service territory.

CANCELLATION OF POSSIBLE DELETION PROCEEDINGS

As noted in the Background, by Order No. PSC-99-2380-PCO-WS, we required the initiation of proceedings for possible deletion of the unserved portion of Hunter Creek's water service territory because the utility had not met the FDEP's maximum standards with respect to radioactive contaminants.

As part of the deletion proceedings, we also required notice to be given pursuant to Section 367.045(6), Florida Statutes, and Rule 25-30.030, Florida Administrative Code. The required notice was published in the Florida Administrative Weekly on December 30, 1999. The 30 day comment period elapsed with only one comment filed by the Southwest Florida Regional Planning Council, which indicated that it had no objection to the Commission's intent to initiate deletion proceedings.

Meanwhile on January 3, 2000, our staff was informed by FDEP that Hunter Creek's construction permit for plant improvements had been approved effective December 29, 1999. By a letter dated January 18, 2000, our staff informed the utility that compliance would not be considered achieved until the actual plant modifications were installed and inspected by the FDEP. Subsequently, FDEP notified our staff by telephone and letter that Hunter Creek's system modifications had been completed and were being approved for service. Furthermore, FDEP informed our staff on March 21, 2000, that the results of FDEP's follow-up tests on Hunter Creek's new treatment system were so low that the utility should have no difficulty maintaining compliance with its standards on a sustained basis for the foreseeable future.

Since the FDEP's radioactive contaminants standards have been achieved, we see no need to proceed with the deletion of Hunter Creek's unserved water territory. Therefore, this proceeding shall be canceled and Hunter Creek's water and wastewater service territory shall remain as currently authorized by Order No. PSC-99-0756-FOF-WS.

The docket shall be closed because no further action is required.

ORDER NO. PSC-00-0818-FOF-WS
DOCKET NO. 980731-WS
PAGE 3

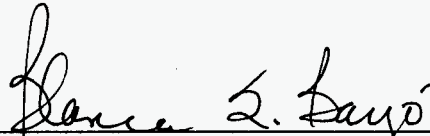
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the deletion proceeding authorized by Order No. PSC-99-2380-PCO-WS, issued December 6, 1999, in this docket shall be canceled. It is further

ORDERED that Hunter Creek Utilities, LLC's water and wastewater service territory shall remain as authorized by Order No. PSC-99-0756-FOF-WS, issued April 19, 1999, in this docket. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

ORDER NO. PSC-00-0818-FOF-WS
DOCKET NO. 980731-WS
PAGE 4

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.