



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH  
Governor

September 15, 2000

RECEIVED-FPSC  
00 SEP 15 AM 9:58  
RECORDS AND REPORTING  
JEFF SEIBER Secretary

Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: PSC Docket No. 001049-WU; Application for Certificate - Little Gasparilla Water Utility, Inc.

Dear Sir/Madam:

The Department has completed its review of the Little Gasparilla Water Utility, Inc. application to the Florida Public Service Commission for certification to offer service Charlotte County, Township 42 South, Range 20 East, in sections 15, 16, 21, 22, 27.

We have identified several growth management concerns related to consistency of the application with the County's Comprehensive Plan (Plan). Certification of the Utility to provide service to the identified territory conflicts with the Plan's Urban Service Area Infill Strategy (Future Land Use Element Objective 1.1) to direct the timing, location, and density and intensity of development and infrastructure within the Urban Infill Areas. The territory identified in the application is in an area designated by the County as a Rural Service Area. In addition, Infrastructure Element Policy 9.1.4 states that certificated areas will not be extended or expanded for potable water outside of Infill Area boundaries. A copy of staff's memorandum is attached for your review.

If you have any questions, please contact Jeff Griswold, Planner, or Roger Wilburn, Community Program Administrator, at (850)-487-4545.

Sincerely yours,

Charles Gauthier, AICP  
Chief, Bureau of Local Planning

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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- RGO \_\_\_\_\_
- SEC \_\_\_\_\_
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

CG/jg  
Attachment

cc: Elliot Kampert Planning and Zoning Manager, Charlotte County Planning Division

*gone 2/23/01*

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

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11577 SEP 158  
FPSC-RECORDS/REPORTING



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JEB BUSH  
 Governor

STEVEN M. SEIBERT  
 Secretary

TO: Charles Gaubler, AICP, Chief, Bureau of Local Planning

THROUGH: Bob Cambric, Growth Management Administrator *ALL for BC*  
 Roger Wilburn, Community Program Administrator *for RW*

FROM: Jeffrey Griswold, Planner IV *JG*

RE: Public Service Commission Utilities Expansion Application  
 Little Gasparilla Water Utility, Inc. PSC Docket No. 001049-WU

DATE: September 7, 2000

**Comments Due: September 15, 2000**

**Background:**

Little Gasparilla Water Utility, Inc., located in Grove City, Florida, has applied to the Public Service Commission for an original certificate to operate a water utility in Charlotte County, Florida. The utility was established in 1986 and currently provides water service to 241 customers. In 1996, Charlotte County transferred jurisdiction of water and wastewater utilities to the Florida Public Service Commission (FPSC). At that time, the applicant, then known as Little Gasparilla Utilities, Inc., filed with the FPSC a request for recognition of exempt status which was granted by Order No. PSC-96-0460-FOF-WS. The implementation of the exemption required an affirmative vote by the utility's customers. The affirmation was denied by the voting customers. As a result, the Utility had to convert to a for profit corporation. The applicant was then approached about selling the water system. Negotiations dragged out and the applicant decided it could no longer wait to obtain a water certificate from the FPSC and filed an application.

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The private utility describes the territory it serves as Township 42 South, Range 20 East, including Little Gasparilla Island within Sections 15, 16, 21, 22, and 27. This area includes a bridgeless barrier island bordered on the south by Little Gasparilla Pass, on the east by Placida Harbor, on the west by the Gulf of Mexico, and on the north by the south end of Don Pedro State Park and Recreational Area. (See attached Map 1) The island is also in the County's Rural Service Area.

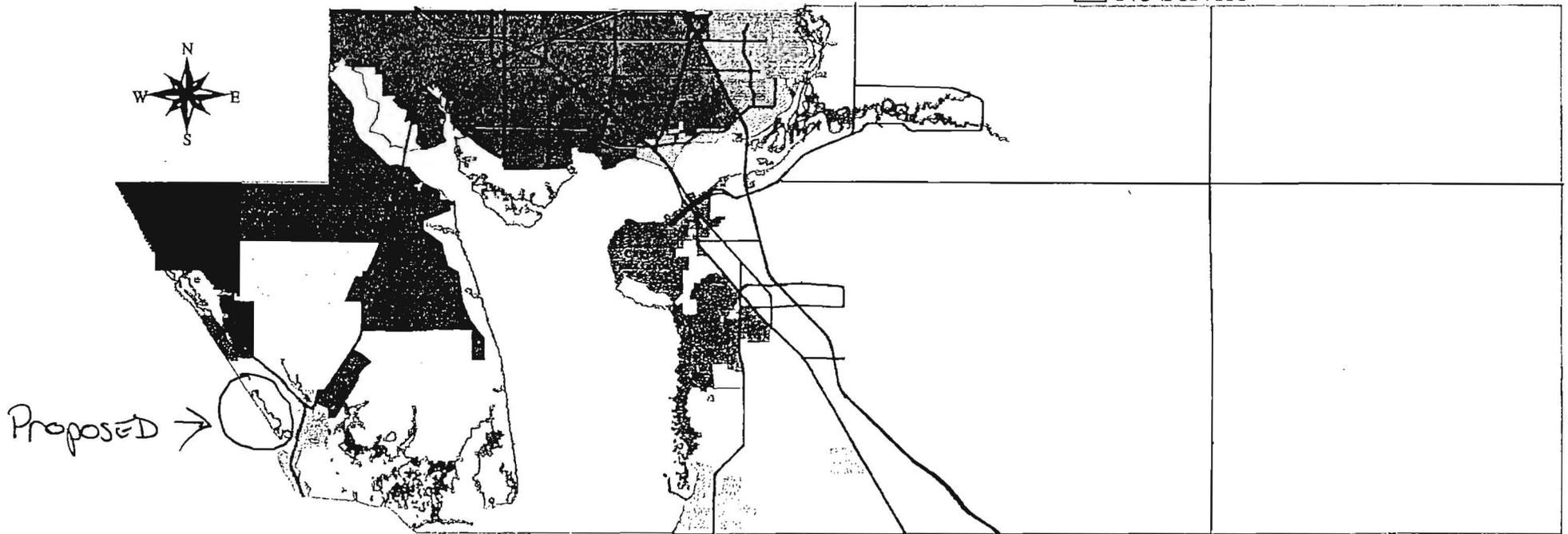
The County was notified of the certificate application by the FPSC and responded to the Commission August 22, 2000. The County noted the application was in conflict with the 1997-2010 Comprehensive Plan. Specifically, the application conflicted with FLUE Objective 1.1 and Infrastructure Element Policy 9.1.4. Certification of the Utility to provide service to the identified territory conflicts with the Plan's Urban Service Area Infill Strategy (Future Land Use Element Objective 1.1) to direct the timing, location, and density and intensity of development and infrastructure within the Urban Infill Areas. The territory identified in the application is in an area designated by the County as a Rural Service Area. In addition, Infrastructure Element Policy 9.1.4 states that certificated areas will not be extended or expanded for potable water outside of Infill Area boundaries. A copy of the County's August 22, 2000, letter to the FPSC is attached (Exhibit 1). The County desires to control the direction of growth into the Urban Service Area as a primary objective. Through the Comprehensive Plan's objectives and policies the County uses the location and timing of infrastructure and service development to direct growth in an orderly and efficient manner.

#### **CONCLUSION:**

Staff agrees with the County's findings and recommends the Department support the position of the County. Approval of a certificate allowing water service to be provided to the barrier island would be inconsistent with the County Plan provisions. The County is not proposing to amend its Plan to address the inconsistency and is, in fact, opposing certification of the Utility. In addition, such an amendment would likely create further inconsistencies per the Department's Rules 9J-5.005(5) and (6), Florida Administrative Code. Staff recommends the FPSC be notified of the Department's concerns.

Map 1.28 Potable Water Certificated Areas

- |   |  |  |
|---|--|--|
|  Bocilla Utilities             |  Englewood Water District       |  Riverwood Utilities, Inc.                  |
|  City of Punta Gorda           |  Fivelands Investments, Inc.    |  Rotonda West Utilities Corp.               |
|  Charlotte County Utilities    |  Gasparilla Island Water Ass'n. |  Sandlehaven Utilities, Inc.                |
|  Charlotte Harbor Water Ass'n. |  Harbor Lakes Water Sys., Inc.  |  Florida Water Services Corp. - Burnt Store |
|  El Jobean Water Ass'n.        |  Rampart Utilities, Inc.        |  Florida Water Services Corp. - Deep Creek  |
|   |  |  No Service                                 |



Scale: 1:320,000

Source: utilities of Charlotte County  
Chapter 1, Future Land Use Element

1-152

Charlotte County Community Development Department  
Map Prepared by Planning Division - JPO  
Draft Date: 10/96

October 7, 1997

MAP 1



August 22, 2000

# COUNTY OF CHARLOTTE

**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION**  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948-1094  
PLANNING DIVISION (941) 743-1222\* (941) 743-1224\* (941) 743-1230  
ZONING DIVISION (941) 743-1964  
FAX (941) 743-1598

Director  
Division of Records & Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Intent to apply for provision of water service to Township 42, Range 20 East.

Director:

The Charlotte County Community Development Department has reviewed your application of intent to receive certification to provide water service in Township 42 South, Range 20 East, in sections 15, 16, 21, 22, and 27.

Charlotte County uses the location and timing of infrastructure and service development to direct County growth in an orderly and efficient manner. Objective 1.1 of the Future Land Use Element provides that the timing, location, density, and intensity of development of infrastructure shall be such that at least 90% of urbanized development is located within the Urban Service Area's Infill Areas. The area in question is not within an Infill Area, but rather within the Rural Service Area. Designation of this type is given third priority for infrastructure development under Policy 1.3.1. of the Future Land Use Element. Policies 2.5.3. and 9.1.4. under the Future Land Use Element and of the Infrastructure Element, respectively, provide further reasons for denial of this request.

Based on the foregoing this application for service in this area is in conflict with the 1997-2010 Charlotte County Comprehensive Plan.

If you have any questions about the mentioned policies, please feel free to call. My number is (941) 743-1949.

Sincerely,

Elliot L. Kampert  
Planning and Zoning Manager

CP00-28  
EK/mk

c.c. Martin S. Friedman, Esquire