

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
amendment of Certificate Nos.  
277-W and 223-S to add territory  
in Seminole County by CWS  
Communities LP d/b/a Palm  
Valley.

DOCKET NO. 001138-WS  
ORDER NO. PSC-01-1000-PAA-WS  
ISSUED: April 23, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION  
ORDER MODIFYING ORDER NO. PSC-00-2243-PAA-WS TO REFLECT  
GENERAL SERVICE RATE FOR RECLAIMED WATER SERVICE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service  
Commission that the action discussed herein is preliminary in  
nature and will become final unless a person whose interests are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

CWS Communities LP d/b/a Palm Valley (Palm Valley or utility)  
is a Class C utility which provides water and wastewater services  
in Seminole County to 55 individually metered customers and one  
general service customer. The annual report for 1999 shows that  
the operating revenue was \$45,097 and \$21,738, with net operating  
losses of \$11,940 and \$117,757, for the water and wastewater  
systems, respectively.

On August 14, 2000, Palm Valley applied for an amendment to  
Water Certificate No. 277-W and Wastewater Certificate No. 232-s

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pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036(3), Florida Administrative Code. The utility's service area is in the St. Johns River Water Management District (SJRWMD). All utilities in the SJRWMD are in a Water Use Caution Area. By Order No. PSC-00-2243-PAA-WS, issued November 27, 2000, and consummated on December 26, 2000, by Order No. PSC-00-2494-CO-WS, among other things, we approved a new class of service for reclaimed water service to be provided to certain existing and proposed home sites at a zero rate.

Pursuant to Order No. PSC-00-2243-PAA-WS, the utility was required to file a wastewater tariff reflecting the reclaimed water class of service at a \$0 rate for 140 existing home sites, 148 planned home sites, and common areas. Our staff was given the administrative authority to approve the tariff sheet provided it was consistent with the Order.

However, it has since come to our attention that this service will be provided as general service to one customer, rather than as a residential service to specified residential lots within the utility's service area. Accordingly, the proposed tariff sheet filed by the utility is not consistent with the Order, since it is for general, rather than residential, reuse service.

By letter dated January 31, 2001, the utility filed the proposed tariff and advised our staff that it intended to provide service under a general service tariff as bulk service to the Palm Valley Mobile Home Park (Park), rather than as a residential service to individual lots, since this was consistent with the provision of water and wastewater service to the Park (also provided by way of a general service tariff). The Park is in the process of deciding where the reuse lines will be placed within the community. The final design and placement of the reuse lines will depend on the engineering design, and therefore the specific lots that will have reuse available are not known at this time.

We find that this change is appropriate, because it matches the current delivery of water and wastewater service to the Park. As a result of this change in the service arrangement, the reclaimed water service rate of \$0 shall be applied as a general service rate, rather than as a residential service rate.

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Based on the foregoing, Order No. PSC-00-2243-PAA-WS shall be modified to reflect a general service rate of \$0 for reclaimed water service, rather than a residential service rate of \$0 for reclaimed water service. Our staff shall be given the authority to administratively approve the tariff provided it is consistent with our decision. The tariff shall be effective for services rendered on or after the stamped approval date of the tariff.

The utility shall return to this Commission for a determination regarding the rates for reclaimed water service prior to providing reclaimed water service to any other customers. Order No. PSC-00-2243-PAA-WS is affirmed in all other respects.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-00-2243-PAA-WS is hereby modified to reflect a general service rate of \$0 for reclaimed water service, rather than a residential service rate of \$0 for reclaimed water service. Order No. PSC-00-2243-PAA-WS is affirmed in all other respects. It is further

ORDERED that our staff shall be given the authority to administratively approve the tariff provided it is consistent with our decision. It is further

ORDERED that the tariff shall be effective for services rendered on or after the stamped approval date of the tariff. It is further

ORDERED that the utility shall return to this Commission for a determination regarding the rates for reclaimed water service prior to providing reclaimed water service to any other customers. It is further

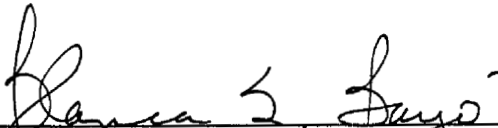
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the

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close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that if no timely protest is received, this Order shall become final and effective upon the issuance of a Consummating Order and the docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of April, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

LAE

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding,

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in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 14, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.