

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificate Nos. 474-S and
544-W to extend water and
wastewater service area in
Highlands County by Highlands
Ridge Utilities, LLC.

DOCKET NO. 020990-WS
ORDER NO. PSC-02-1849-FOF-WS
ISSUED: December 27, 2002

ORDER AMENDING CERTIFICATES NOS. 544-W AND 474-S,
HELD BY HIGHLANDS RIDGE UTILITIES, INC., TO INCLUDE
ADDITIONAL TERRITORY IN HIGHLANDS COUNTY
AND CLOSING DOCKET

BY THE COMMISSION:

On September 18, 2002, Highlands Ridge Utilities, LLC (Highlands Ridge or utility) filed an application with this Commission to amend Certificates Nos. 544-W and 474-S to include additional territory in Highlands County. Highlands Ridge was granted Certificates Nos. 544-W and 474-S by Order No. PSC-92-0954-FOF-WS, issued September 9, 1992, in Docket No. 920306-WS.

Highlands Ridge is a Class C utility which serves approximately 420 water and 400 wastewater customers in Avon Park, Florida. The utility plans to serve an additional 210 single-family homes and a 5,000 square foot clubhouse. Service to the clubhouse, which has already been constructed, has been provided at no charge pending approval of the certificate amendment.

The utility is located in the Highlands Ridge Water Use Caution Area and the Southern Water Use Caution Area of the Southwest Florida Water Management District (SWFWMD). The SWFWMD recently issued a Consumptive Use Permit, and is working with the utility on a pilot project to retrofit the irrigation systems with soil moisture sensing equipment to conserve water.

The utility's application for amendment of its certificates is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$1,000, as required by Rule 25-30.020, Florida

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FPSC-COMMISSION CLERK

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Administrative Code. The application also contains proof in the form of a warranty deed that the utility owns the land upon which its facilities are located, pursuant to Rule 25-30.036(d)(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 Highlands Ridge has requested to serve is shown on Attachment A of this Order, which by reference is incorporated herein.

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 filed, and the time for filing such has expired. The Department of Community Affairs has identified no growth management concerns with regard to the proposed expansion of the utility. According to the utility, the provision of service to the additional territory will be consistent with the utility section of the local comprehensive plan.

The Highlands Ridge water system has a design capacity of 138,000 gallons per day (gpd). There are two wells that are capable of pumping over 1500 gallons per minute (gpm) each. At buildout, the utility expects the water treatment system to pump an average of 18,000 gpd, which equates to 55 gpm. The utility believes that the peak demand will be four times the average. When residential fire flow is included at 500 gpm, the total demand is less than 750 gpm. The two wells can easily meet this demand. Therefore, the utility appears to have ample water capacity to serve the additional territory.

The Highlands Ridge wastewater system has a design capacity of 95,000 gpd. The utility has submitted a permit application to the Florida Department of Environmental Protection (DEP) to expand the wastewater plant to 200,000 gpd, and is in receipt of a "draft" permit. Although the plan includes public access for spray irrigation of the development's golf course, the utility believes it will be many years before flows are sufficient to allow for public access spray irrigation. According to the information provided by the utility, the wastewater plant is treating about

40,000 gpd with 400 current customers. The total average wastewater flow from the original units in the development and the proposed units is expected to be about 80,000 gpd at buildout. Therefore, the utility appears to have ample wastewater capacity to serve the additional territory.

Highlands Ridge utilizes Class C licensed water and wastewater operators to operate its systems. According to DEP, there are no outstanding notices of violation against the water and wastewater systems. Therefore, we believe the utility has demonstrated that it has the technical ability to provide quality service to the territory.

From information provided by the utility, it appears that Highlands Ridge has the financial ability to provide quality service to the customers in the additional territory. Construction of the water distribution and wastewater collection systems will be financed through existing loan arrangements with the First Union Bank. No material impact on the utility's capital structure is expected.

Based on the foregoing, we find that it is in the public interest to approve Highlands Ridge's request to amend Certificates Nos. 544-W and 474-S to include additional territory in Highlands County, as shown on Attachment A of this Order. Highlands Ridge shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding. The utility has filed revised tariff sheets incorporating the additional territory into its tariff, and has returned its certificates for entry reflecting the additional territory.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Highlands Ridge Utilities, LLC, 303 East Fairway Vista Drive, Avon Park, Florida 33825, to amend Certificates Nos. 544-W and 474-S to include additional territory in Highlands County is hereby approved. The additional territory Highlands Ridge is authorized to serve is shown on Attachment A of this Order, which by reference is incorporated herein. It is further

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ORDERED that Highlands Ridge Utilities, LLC shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that the tariff reflecting the additional territory shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 27th day of December, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

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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.

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.

HIGHLANDS RIDGE UTILITIES, LLC
Highlands County
Water and Wastewater Service Area

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE EAST 1/2 OF THE SOUTHEAST 1/4, SECTION 32, TOWNSHIP 33 SOUTH, RANGE 29 EAST, LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 33 SOUTH, RANGE 29 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST 3/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 32 FOR A POINT OF BEGINNING (P.O.B.#1); THENCE NORTH 00°22'17" EAST, ALONG THE WEST LINE OF SAID EAST 3/4 OF THE SOUTHEAST 1/4, FOR 1366.98 FEET; THENCE SOUTH 89°18'17" EAST FOR 1078.09 FEET; THENCE SOUTH 00°47'35" EAST FOR 50.47 FEET; THENCE SOUTH 41°38'05" WEST FOR 60.50 FEET; THENCE SOUTH 01°07'04" WEST FOR 1233.54 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 89°59'37" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 FOR 1022.81 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE SOUTH 25 FEET FOR MAINTAINED RIGHT-OF-WAY. ALL BEING AND LYING IN HIGHLANDS COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 33 SOUTH, RANGE 29 EAST, HIGHLANDS COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 34 SOUTH, RANGE 29 EAST, LESS THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 AND LESS A PORTION OF THE EAST 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4 MORE PARTICULARLY DESCRIBED AS: BEGIN (P.O.B.#2) AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE RUN NORTH 88°01'27" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 FOR 2,007.82 FEET TO A POINT ON THE WEST LINE OF SAID EAST 3/4, THENCE NORTH 00°22'33" EAST ALONG SAID WEST LINE, FOR 422.94 FEET; THENCE SOUTH 88°33'41" EAST, FOR 102.64 FEET; THENCE SOUTH 88°59'26" EAST, FOR 192.38 FEET; THENCE NORTH 57°33'40" EAST, FOR 227.22 FEET; THENCE NORTH

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88°56'14" EAST, FOR 260.66 FEET; THENCE SOUTH 84°29'29" EAST, FOR 218.15 FEET; THENCE SOUTH 75°48'08" EAST, FOR 171.23 FEET; THENCE SOUTH 75°24'51" EAST, FOR 202.17 FEET; THENCE SOUTH 48°06'49" EAST, FOR 185.31 FEET; THENCE SOUTH 46°05'33" EAST, FOR 171.77 FEET; THENCE SOUTH 57°32'57" EAST, FOR 131.52 FEET; THENCE SOUTH 43°01'02" EAST, FOR 202.84 FEET; THENCE SOUTH 89°29'00" EAST, FOR 166.61 FEET TO THE EAST LINE OF SAID NORTHWEST 1/4 THENCE SOUTH 00°03'16" EAST ALONG SAID EAST LINE, 35.83 FEET TO THE POINT OF BEGINNING.