

Matilda Sanders

From: Stephanie Snyder [ssnyder@co.volusia.fl.us]
Sent: Thursday, July 29, 2004 11:13 AM
To: Filings@psc.state.fl.us
Cc: Stephanie Snyder
Subject: PSC Farmton Docket No. 021256-WU

ORIGINAL



ORDER.WP
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See attached pleading for filing. If you have any problems reading file please contact mhelton@co.volusia.fl.us or 386-736-5950 X2948 (Margie Helton)

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STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE:

Application of Farmton Water Resources
LLC for original Water Certificate in Volusia
LLC and Brevard Counties, Florida

DOCKET NO.: 021256-WU

COUNTY OF VOLUSIA'S PROPOSED RECOMMENDED ORDER

COUNTY OF VOLUSIA hereby provides the following proposed Findings of Fact ,
Conclusions of Law, and Recommended Order.

RECOMMENDED ORDER

An administrative hearing was held June 22 through June 23, 2004, before the
Public Service Commission (Commission) in Tallahassee, Florida. The issue presented
was whether Farmton Water Resources, LLC (Farmton), was entitled to an original water
certificate from the Commission to operate a water utility in Brevard and Volusia Counties
pursuant to Section 367.031 and 367.045, Florida Statutes.

FINDINGS OF FACT

1. County of Volusia is a political subdivision of the State of Florida. Pursuant
to Section 367.045(4) and (5)(b), Florida Statutes, the County made a timely objection to
the Application.
2. Brevard County is a political subdivision of the State of Florida. Pursuant to
Section 367.045(4) and (5)(a), Florida Statutes, the County made a timely objection to the
Application.
3. City of Titusville is a municipal corporation within the State of Florida.
Pursuant to Section 367.045(4), Florida Statutes City made a timely objection to the

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Application.

4. Farmton Water Resources, LLC is a Limited Liability Corporation incorporated in Delaware and registered to do business in the State of Florida.

5. Farmton proposed to create a water utility to service approximately 57,000 acres of non-developed, heavily forested lands located within Brevard and Volusia Counties.

6. Farmton proposed to provide this water service to Miami Corporation's office and associated structures, three game wildlife check stations, and two hunting camps. The offices have five employees, while the hunting camps are operated seasonally, for the benefit of members of the Miami Tract Hunt Club. Each hunt camp is designed to service approximately 25 campers.

7. The 42,000+ acres of proposed certification area located within County of Volusia is entirely within an overlay district designated as "Natural Resource Management Area" (NRMA) by the County's Comprehensive Plan, requiring low-density usage and additional and stricter policies protecting the environmental resources therein.

8. The three existing underlying categories of Future Land Use are Agriculture, Environmental Systems Corridor, and Forest Resource. All three of these mandate low density, non-urban uses.

9. County of Volusia has previously designated the entire unincorporated area, within which Farmton is wholly located, as being within its own service area.

10. County of Volusia has determined that it can provide water to the proposed service area from existing and adjacent infrastructure, when or if such a need arises.

CONCLUSIONS OF LAW

10. Farmton's Application is not in the public interest. The Application will benefit only a small group of individuals, while harming the remaining public. The Application will encourage urban sprawl, unplanned growth, damage to environmentally-sensitive lands, and have a negative impact on regional water planning and modeling efforts, disrupting the overall growth patterns of the County.

11. Farmton's has failed to demonstrate sufficient need for a centralized water utility system at this location. The area is an unpopulated wilderness without need for such services at this time, or into the reasonably foreseeable future. The only documented "need" can be supplied by continued use of existing wells which presently provide adequate water for the five employees and two small hunting camps scattered within this huge, environmentally sensitive forested area.

12. Pursuant to Section 367.045(5)(b), Florida Statutes, Farmton has failed to present sufficient competent substantial evidence demonstrating that the Application is consistent with the County of Volusia's Comprehensive Plan. **Rather, the evidence demonstrates otherwise.**

13. Although the Commission is not bound by a determination of inconsistency with a local government's Comprehensive Plan, in this instance the Commission believes that the inconsistency is significant, and demonstrably damaging to efforts of the County of Volusia to maintain continued managed growth and environmental protection to this area.

WHEREFORE, the Public Service Commission for the State of Florida, hereby
ORDERS AND ADJUDGES that the Application of Farmton is denied for the reasons stated
above.

PROPOSED AND SUBMITTED BY:

**COUNTY OF VOLUSIA
Legal Department**

By: s/William J. Bosch
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Proposed Findings
of Fact and Law was served on all parties and interested individuals listed below, this
day of July, 2004, U.S. Mail.

**COUNTY OF VOLUSIA
Legal Department**

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