

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificate )  
to provide water service in Volusia )  
and Brevard Counties by Farmton Water ) Docket No. 021256-WU  
Resources LLC )

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FARMTON WATER RESOURCES LLC'S  
POST-HEARING STATEMENT OF ISSUES AND POSITIONS

Pursuant to Rule 25-22.056(3)(a), F.A.C., FARMTON WATER RESOURCES LLC hereinafter "Farmton", "Applicant" or "Utility"), files this Post-Hearing Statement of Issues and Positions. Farmton is simultaneously filing a Post-Hearing Brief, in which the positions taken on the issues in this filing are developed and supported more fully.

Statement of Issues and Positions

**ISSUE 1:** Does the Commission have exclusive jurisdiction over the certification of private utilities?

Farmton: \*Yes, the Commission has exclusive jurisdiction under the provisions of Chapter 367, Florida Statutes and any attempts by local government to assert jurisdiction over those issues, is contrary to law and ineffectual.\*

**ISSUE 2:** Is the service proposed by Farmton Water Resources LLC exempt from Commission jurisdiction?

Farmton: \*No, the service proposed by Farmton Water Resources LLC is not exempt from jurisdiction under the provisions of Chapter 367, Florida Statutes.\*

**ISSUE 3:** Has Farmton met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, Florida Administrative Code?

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Farnton: \*Yes, Farnton has met all of the filing and noticing requirements required by Commission Rules for this Application.\*

**ISSUE 4:** Is there a need for service in Farnton's proposed service territory and, if so, when will service be required?

Farnton: \*Yes, there is an immediate need for potable water and fire protection services throughout the proposed service territory and additional needs are anticipated in the near future.\*

**ISSUE 5:** Is Farnton's application inconsistent with Brevard County's or Volusia County's comprehensive plans?

Farnton: \*No, certification of Farnton Water Resources LLC in the area applied for in its Application is not inconsistent with the Comprehensive Plans of either Brevard or Volusia Counties.\*

**ISSUE 6:** Will the certification of Farnton result in the creation of a utility which will be in competition with, or duplication of, any other system?

Farnton: \*No, there are no other existing utility systems other than those operated by Farnton, within the proposed territory or immediately adjacent thereto.\*

**ISSUE 7:** Does Farnton have the financial ability to serve the requested territory?

Farnton: \*Yes, Farnton has demonstrated the financial ability to serve the requested territory.\*

**ISSUE 8:** Does Farnton have the technical ability to serve the requested territory?

Farnton: \*Yes, Farnton has the technical ability and is currently operating the water systems within the proposed territory

and has the expertise and will acquire additional qualified individuals to assist in the operation of the Utility as additional needs arise.\*

**ISSUE 9:** Does Farmton have sufficient plant capacity to serve the requested territory?

Farmton: \*Yes, Farmton has sufficient plant capacity to serve the requested territory and any needs in the reasonable foreseeable future.\*

**ISSUE 10:** Has Farmton provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?

Farmton: \*Yes, Farmton has provided a draft lease between the Utility and the landowner, which they will execute upon approval of certification by the Florida Public Service Commission. That lease will allow Farmton the use of lands throughout the proposed territory as and when needed on a long term basis.\*

**ISSUE 11:** Is it in the public interest for Farmton to be granted a water certificate for the territory proposed in its application?

Farmton: \*There is a need for service and Farmton is in the best position to provide such service. Farmton is the only entity which has facilities in place which will allow it to provide the service efficiently and which can best preserve the resources for all customers present and future.\*

**ISSUE 12:** What is the appropriate return on equity for Farmton?

Farmton: \*The appropriate return on equity for Farmton is the return on equity yielded by the most current leverage formula order in effect at the time the Commission issues its Final Order in this proceeding.\*

**ISSUE 13:** What are the appropriate potable water, fire protection, and bulk raw water rates and charges for Farmton?

**Farmton:** \*The appropriate potable water, fire protection, and bulk raw water rates are those proposed by Farmton (as revised).\*

**ISSUE 14:** What are the appropriate service availability charges for Farmton?

**Farmton:** \*The appropriate service availability charges for Farmton are those as proposed by Farmton (as revised).\*

**ISSUE 15:** What is the appropriate Allowance for Funds Used During Construction (AFUDC) rate for Farmton?

**Farmton:** \*The appropriate Allowance for Funds Used During Construction rate for Farmton is that yielded by use of the leverage formula in effect at the time the Commission issues its Final Order in this proceeding.\*

Respectfully submitted this  
29<sup>th</sup> day of July, 2004, by:

ROSE, SUNDSTROM & BENTLEY  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301  
(850) 877-6555



F. Marshall Deterding