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STATE OF FLORIDA

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COMMISSIONERS:  
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RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

OCT 19 AM 10:31

COMMISSION  
CLERK

# Public Service Commission

October 18, 2004

Mr. Ray Eubanks  
Bureau of State Planning  
Division of Resource Planning and Management  
Department of Community Affairs  
2550 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Re: PSC Docket No. 041207-SU; Application for amendment of Certificate No. 104-S to delete territory in Pasco County by Hudson Utilities, Inc.

Dear Mr. Eubanks:

Enclosed is a copy of the application of Hudson Utilities, Inc. for an amendment of wastewater territory in Pasco County. Pursuant to the Memorandum of Understanding between the Department of Community Affairs (DCA) and the Public Service Commission (PSC), the DCA has agreed to provide input on need for service and comprehensive plan consistency on applications for amendments or original certificates filed with the PSC.

The filing of Hudson Utilities, Inc. is the ninety fourth filing to receive this treatment. The staff requests that a response be received by November 18, 2004. Please note that the response should be addressed to the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, with the docket numbers highlighted for reference by the Commission. If this application is protested within the next 30 days, the docket will be set for hearing. Should this happen, the DCA will be updated by the PSC staff assigned to the case.

The staff of the Commission is looking forward to receiving the additional input from the DCA regarding the application. If there are any questions, please feel free to contact Richard Redemann at 850/413-6999.

Sincerely,

Patti Daniel, Supervisor  
Bureau of Certification

Enclosure

C:\MSword\041207a.doc

cc: Division of Economic Regulation (Redemann, Clapp)  
General Counsel (Gervasi)  
Division of the Commission Clerk and Administrative Services

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

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DOCUMENT NUMBER - 041  
11227 OCT 19 2004  
COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for Amendment of  
Certificate No. 104-S in Pasco County by  
Hudson Utilities, Inc.

Docket No. 04

Filed: October 13, 2004

**HUDSON UTILITIES INC.'S PETITION FOR APPROVAL OF APPLICATION  
FOR AMENDMENT OF CERTIFICATE NUMBER 104-S**

COMES NOW Hudson Utilities, Inc. ("Hudson"), by and through its undersigned  
counsel, and pursuant to Section 367.045(2), Florida Statutes and Rules 25-30.030, 25-30.032  
and 25-30.036, Florida Administrative Code, hereby requests the Florida Public Service  
Commission ("Commission") to amend Certificate No. 104-S to delete certain portions of  
Hudson's service territory in Pasco County within a residential subdivision named Sea Pines. In  
support of this Petition and Application, Hudson states as follows:

1. All notices, pleadings and orders should be directed to:

Kenneth A. Hoffman  
Martin P. McDonnell  
Rutledge, Ecenia, Purnell & Hoffman  
215 South Monroe Street, Suite 420  
Tallahassee, Florida 32301  
(850) 681-6788 (telephone)  
(850) 681-5415 (telecopier)

Mathew S. Griffin  
Hudson Utilities, Inc.  
14334 Old Dixie Highway  
Hudson, Florida 34667  
(813) 863-0205 (telephone)  
(813) 869-5913 (telecopier)

FLORIDA PUBLIC SERVICE  
COMMISSION  
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DIVISION OF  
ECONOMIC REGULATION

2. Hudson's complete name and address are as follows:

Hudson Utilities, Inc.  
14334 Old Dixie Highway  
Hudson, Florida 34667

3. Hudson is a Class B Wastewater Utility providing service to the public in Pasco

County, Florida pursuant to Certificate No. 104-S.<sup>1</sup> Hudson provides wastewater collection service to its customers, and contracts with Pasco County for wastewater treatment service pursuant to a bulk wastewater treatment agreement entered into on June 5, 1990.<sup>2</sup>

4. On September 27, 1999, the Commission issued an order amending Hudson's Certificate to include additional service territory, including, among other areas, the Sea Pines subdivision.<sup>3</sup>

5. The legal descriptions of the Sea Pines area that is currently within Hudson's existing service territory and which Hudson seeks to delete is provided as Exhibit "A" to Hudson's application. A service area location map depicting Hudson's existing and proposed service areas is provided as Exhibit "B" to the application.

6. The majority of Hudson's existing service territory is located in an area federally designated as a flood plain area, which is unsuitable for the efficient use of septic tanks and drain fields. The comprehensive land use plan adopted by Pasco County and the State of Florida requires that coastal areas, including Hudson's existing and proposed service territory, shall be provided with sanitary sewer collection and treatment systems. Pasco County owns and operates regional wastewater treatment and disposal facilities, and currently provides wastewater service

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<sup>1</sup> Order No. 5781 issued June 19, 1973 in Docket No. C-72696-S.

<sup>2</sup> The Agreement is referenced in Order No. 23846, issued December 10, 1990 in Docket No. 990020-SU, at 90 FPSC12:117, 118.

<sup>3</sup> Order No. PSC-99-1916-PAA-SU in Docket No. 91079-SU Order amending Certificate to include additional territory, declining to initiate a Show Cause proceeding, and approving transfer of service territory and notice of proposed Agency action order declining to establish rate base or calculate and acquisition adjustment, granting limited proceeding, and approving rates and charges for the Signal Cove customers.

to some residents of the Sea Pines subdivision, outside of Hudson's current service territory. The proposed deletion of Hudson's service territory is consistent with the comprehensive plan adopted by Pasco County.

7. The number of current active connections within the territory that Hudson seeks to delete is 213.

8. Hudson seeks to delete its Sea Pines territory because extension of service to potential customers within Sea Pines could be accomplished only at an unreasonable cost to Hudson.<sup>4</sup>

9. Hudson's rates and charges were established in the Commission's Order No. 23810 issued November 27, 1990 in Docket No. 900293-SU in response to Hudson's application for staff assisted rate case, and were amended most recently by Order No. PSC-02-1626-PAA-SU issued November 25, 2002. The proposed deletion of Hudson's service territory is not expected to impact Hudson's monthly rates and service availability charges.

10. The proposed deletion of territory is in the public interest as the customers are located in an area federally designated as a flood plain area which is unsuitable for the efficient use of septic tanks and drain fields, which is how most Sea Pines residents in Hudson's service territory currently receive wastewater service. By deleting the territory, Hudson affords an opportunity for Pasco County or any other potential wastewater provider to provide wastewater service with sanitary sewer collection and treatment systems to all residents of Sea Pines.

11. Pursuant to Rule 25-30.020, Hudson hereby files an application fee in the amount

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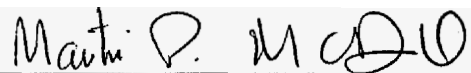
<sup>4</sup> Hudson has received proposed bids to build out portions of the Sea Pines subdivision. The proposed bids exceed by 400% the amount that Hudson is able to recoup through service availability charges.

of \$500.00.

12. Pursuant to Section 367.045(2), Florida Statutes, and Rule 25-30.036, F.A.C., Hudson hereby attaches the following: (i) the original and two copies of sample tariff sheets reflecting the revised service area are attached hereto as Exhibit "C"; (ii) Hudson's current certificate for possible amendment to its territory is attached hereto as Exhibit "D"; (iii) an affidavit that Hudson has tariffs and annual reports on file with the Commission is attached hereto as Exhibit "E"; and (iv) an affidavit swearing or affirming that the facts stated in the application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitute a complete statement of the matter to which they relate is attached hereto as Exhibit "F."

13. Pursuant to Rule 25-30.030, F.A.C., the Affidavits addressing Hudson's compliance with notice requirements will be filed as late-filed exhibits.

Respectfully submitted this 13th day of October 2004.



Martin P. McDonnell

MARTIN P. MCDONNELL, Esquire  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
215 South Monroe Street, Suite 420  
Tallahassee, Florida 32302  
Telephone (850) 681-6788  
Fax (850) 681-6515  
ATTORNEY FOR HUDSON UTILITIES,  
INC.

**CERTIFICATE OF SERVICE**


I HEREBY CERTIFY that a copy of the foregoing was furnished by United States Mail to the following this 13th day of October, 2004.

Stephen Reilly, Esq.  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400

Rosanne Gervasi  
Office of General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Stephanie Clapp  
Division of Economic Regulation  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399

Richard Redemann, PE  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850



Martin P. McDonnell, Esq.

Description of Territory Proposed to be Deleted:

Township 24 South, Range 16 East

Section 14

less the following described portion thereof: Commence at the southwest corner of said section 14: Thence run north, along the west line of said section 14, 30 feet to the center line of Old Dixie Highway, Thence run North 40 degrees east along the center line of Old Dixie Highway, 670 feet; Thence run North 32 degrees East along the center line of Old Dixie Highway 780 feet to the POINT OF BEGINNING; Thence continue North 32 degrees East along the centerline of Old Dixie Highway, 380 feet; Thence run East, 1638 feet; Thence run South, 1,520 feet to the South line of section 14; Thence run West along the south line of Section 14, 790 feet; Thence run North, 120 feet; Thence run East, 500 feet; Thence run North, 1075 feet; Thence run West 1,566 feet to the POINT OF BEGINNING.

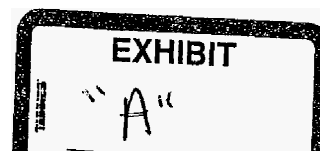
Section 22

LESS the following described portions thereof: Commence at the Northeast corner of said Section 22; Thence run South along the East Section line, 945 feet to the POINT OF BEGINNING; Thence continue South along East line of said Section, 300 feet; Thence run West, 970 feet; Thence run South 47 degrees West Parallel to centerline of Old Dixie Highway, 530 feet; Thence run West, 2,460 feet; Thence run North, 600 feet to a point in the Canal; Thence run East along centerline of Canal, 2,850 feet to the centerline of Old Dixie Highway; Thence run North 47 degrees along the centerline of Old Dixie Highway, 80 feet; Thence run East 949 feet to the POINT OF BEGINNING,

Section 23

LESS the following described portion thereof: Commence at the Northwest corner of said Section 23; Thence run East along the North line of said Section 23, 1910 feet to the POINT OF BEGINNING: Thence run East along North line of said Section 23, 790 feet; Thence run south, 1,640 feet; Thence run south 28 degrees East, 60 feet to the West Right-of Way line of U.S. Hwy 19; Thence run Southwest along West Right-of-Way line of U.S. Hwy 19, 325 feet; Thence run North 28 degrees West, 250 feet; Thence run North, 375 feet; Thence run West, 165 feet; Thence run northwesterly direction parallel to centerline of Gulf Way, 280 feet; Thence run West 1960 feet to a point on West line of said section; Thence run north, 300 feet; Thence run East, 1,910 feet; Thence run North, 945 feet to the POINT OF BEGINNING.

These area's proposed for deletion contain 0 (zero) active connections.



NAME OF COMPANY Hudson Utilities, Inc.

WASTEWATER TARIFF

(Continued from Sheet No. 3.3)

Township 24 South, Range 16 East

Section 14:

All of Said Section, LESS the following described portions thereof: Commence at the Southwest corner of said Section 14 and the POINT OF BEGINNING; Thence run North, along the West line of said Section 14, 30 feet to the center line of Old Dixie Highway; Thence run North 40 degrees East along the center line of Old Dixie Highway, 670 feet; Thence run North 32 degrees East along the centerline of Old Dixie Highway, 780 feet; Thence run East, 1,566 feet; Thence run South, 1,075 feet; Thence run west, 500 feet; Thence run South, 120 feet to the South line of said Section 14; Thence run West, along the South line of said Section 14; 1,910 feet to the POINT OF BEGINNING. Also, commence at the Southwest corner of said Section 14; Thence run North along the West line of said Section 14, 30 feet to the center line of Old Dixie Highway; Thence run North 40 degrees East along the center line of Old Dixie Highway, 670 feet; Thence run North 32 degrees East along the centerline of Old Dixie Highway, 1,160 feet to the POINT OF BEGINNING; Thence continue North 32 degrees East along the center line of Old Dixie Highway, 1,704 feet; Thence run East, 1,975 feet; Thence run South, 2,965 feet to the South line of said Section 14; Thence run West, along the South line of said Section 14, 1,240 feet; Thence run North, 1,520 feet; Thence run West, 1,638 feet to the POINT OF BEGINNING. Also, less the following described portion thereof: Commence at the southwest corner of said section 14: Thence run north, along the west line of said section 14, 30 feet to the center line of Old Dixie Highway, Thence run North 40 degrees east along the center line of Old Dixie Highway, 670 feet; Thence run North 32 degrees East along the center line of Old Dixie Highway 780 feet to the POINT OF BEGINNING; Thence continue North 32 degrees East along the centerline of Old Dixie Highway, 380 feet; Thence run East, 1638 feet; Thence run South, 1,520 feet to the South line of section 14; Thence run West along the south line of Section 14, 790 feet; Thence run North, 120 feet; Thence run East, 500 feet; Thence run North, 1075 feet; Thence run West 1,566 feet to the POINT OF BEGINNING.

Section 15: All of Said Section

Section 16: All of Said Section

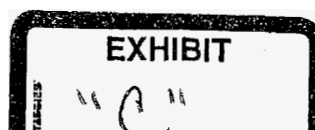
Section 21:

All of Said Section, LESS the South 1500 feet of the North 2500 feet of the East 500 feet of said Section.

Section 22:

All of Said Section, LESS the following described portions thereof: Commence at the Northwest corner of said Section 22; Thence run South along the West Section line 1,000 feet to the POINT OF BEGINNING; Thence run East 1,500 feet to the center of a canal; Thence run South 600 feet; Thence run East 2,200 feet to the center of Old Dixie Highway; Thence run South 47 degrees West along center of Old Dixie Highway 1,300 feet; Thence run West approximately 2,720 feet to the West section line of said Section 22: Thence run North along the West section line 1,500 feet to the POINT OF BEGINNING. Also, commence at the Northwest corner of said Section 22; Thence run South along the West Section line 1,000 feet; Thence run East 1,500 feet to the POINT OF BEGINNING: Thence run North 350 feet; Thence run East 3,225 feet to the center of Old Dixie Highway; Thence run South 47 degrees West along center of Old Dixie Highway 513 feet; Thence run West approximately 2,850 feet to the POINT OF BEGINNING. Also, commence at the Northeast corner of said Section 22 and the POINT OF BEGINNING, Thence run South along the East line of said section 945 feet: Thence run West 949 feet to the center line of Old Dixie Highway; Thence run North 47 degrees East along the center line of Old Dixie Highway 790 feet; Thence run North 40 degrees East along the centerline of Old Dixie Highway 530 feet to the North line of said Section 22; Thence run East, along the North line of said Section 22, 30 feet to the POINT OF BEGINNING.

(Continued to Sheet No. 3.5)



ROBERT BAMMANN  
ISSUING OFFICER

PRESIDENT



NAME OF COMPANY Hudson Utilities, Inc.

WASTEWATER TARIFF

(Continued from Sheet No. 3.4)

Also, LESS the following described portions thereof: Commence at the Northeast corner of said Section 22; Thence run South along the East Section line, 945 feet to the POINT OF BEGINNING; Thence continue South along East line of said Section, 300 feet; Thence run West, 970 feet; Thence run South 47 degrees West Parallel to centerline of Old Dixie Highway, 530 feet; Thence run West, 2,460 feet; Thence run North, 600 feet to a point in the Canal; Thence run East along centerline of Canal, 2,850 feet to the centerline of Old Dixie Highway; Thence run North 47 degrees along the centerline of Old Dixie Highway, 80 feet; Thence run East 949 feet to the POINT OF BEGINNING,

Section 23:

All of Said Section, LESS the following described portions thereof: Commence at the Northwest corner of said Section 23 and the POINT OF BEGINNING; Thence run East along the North line of said Section 23, 1,910 feet; Thence run South 945 feet; Thence run West 1,910 feet to the West section line of said Section 23; Thence run North along the West section line of said Section 23, 945 feet to the POINT OF BEGINNING. Also, commence at the Northwest corner of said Section 23; Thence run east along the North line of said Section 23, 2,700 feet to the POINT OF BEGINNING; Thence continue East along the North line of said Section 23, 1,240 feet; Thence run Southwesterly, parallel to U.S. 19, 1,500 feet; Thence run South, 100 feet; Thence run Southwesterly, parallel to U.S. 19, 140 feet; Thence run West, 175 feet; Thence run North, 1,380 feet to the POINT OF BEGINNING. Also, LESS the following described portion thereof: Commence at the Northwest corner of said Section 23; Thence run East along the North line of said Section 23, 1910 feet to the POINT OF BEGINNING: Thence run East along North line of said Section 23, 790 feet; Thence run south, 1,640 feet; Thence run south 28 degrees East, 60 feet to the West Right-of-Way line of U.S. Hwy 19; Thence run Southwest along West Right-of-Way line of U.S. Hwy 19, 325 feet; Thence run North 28 degrees West, 250 feet; Thence run North, 375 feet; Thence run West, 165 feet; Thence run northwesterly direction parallel to centerline of Gulf Way, 280 feet; Thence run West 1960 feet to a point on West line of said section; Thence run north, 300 feet; Thence run East, 1,910 feet; Thence run North, 945 feet to the POINT OF BEGINNING.

Section 26:

All of North 1/2 of said Section 26; LESS that portion previously granted and approved by Public Service Commission on April 24, 1990, Amendment Order No. 22852, Docket No.900065-SU.

Section 27:

All of the Northeast 1/4 of said Section 27 lying East of the Eastern Right-of-Way of U.S. Highway 19 (State Road 55); LESS that portion previously granted and approved by Public Service Commission on April 24, 1990, Amendment order No. 22852, Docket No. 900065-SU, and, All of the North 1/2 of the South 1/2 of said section 27 lying East of the Eastern Right-of-Way of U.S. Highway 19 (State Road 55); LESS that portion previously granted and approved by Public Service Commission on December 10, 1990, Amendment Order No. 23846, Docket No. 900020-SU.

Section 33:

All of said Section 33; LESS that portion previously granted and approved by Public Service Commission on June 19, 1973, Amendment Order No. 5781, Docket No. C-72696-S (Original Certificate), and on October 31, 1984, Amendment Order No. 13823, Docket No. 840296-SU.

(Continued on Sheet No. 3.6)

ROBERT BAMMANN  
ISSUING OFFICER •

PRESIDENT  
TITLE

NAME OF COMPANY Hudson Utilities, Inc.

WASTEWATER TARIFF

(Continued from Sheet No. 3.5)

Section 34:

The Northwest ¼ of the SW ¼  
Township 25 South, Range 16 East

Section 4:

The North 150 feet of said Section 4.

ROBERT BAMMANN  
ISSUING OFFICER

PRESIDENT  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

Certificate Number

104 - S

Upon consideration of the record it is hereby ORDERED that authority be and is hereby granted to:

HUDSON UTILITIES, INC.

Whose principal address is:

14334 Old Dixie Highway  
Hudson, FL 34667 (Pasco County)

to provide wastewater service in accordance with the provision of Chapter 367, Florida Statutes, the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission.

This Certificate shall remain in force and effect until suspended, cancelled or revoked by Orders of this Commission.

ORDER	5781	DOCKET	C-72695-S
ORDER	7824	DOCKET	750558-S
ORDER	13823	DOCKET	840296-SU
ORDER	14477	DOCKET	850149-SU
ORDER	22852	DOCKET	900065-SU
ORDER	23846	DOCKET	900020-SU
ORDER	PSC-98-1543-FOF-SU	DOCKET	981081-SU
ORDER	PSC-99-1916-PAA-SU	DOCKET	981079-SU
ORDER	PSC-99-2381-FOF-SU	DOCKET	981080-SU

BY ORDER OF THE  
FLORIDA PUBLIC SERVICE COMMISSION

*Glenn S. Lavo*

Commission Clerk and Administrative Services Director

EXHIBIT

"D"

# Hudson Utilities, Inc.

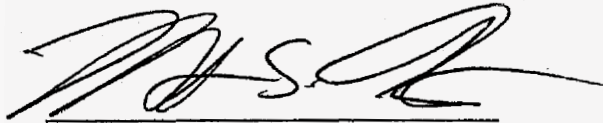
14334 Old Dixie Highway

Hudson, Florida 34667

(727) 863 - 0205

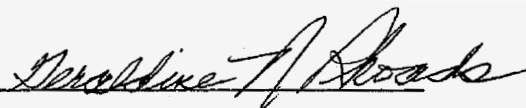
October 6, 2004

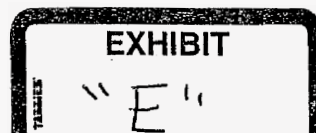
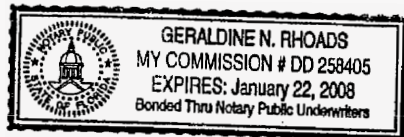
I, Mathew Griffin affirm that Hudson Utilities, Inc. has Tariffs and Annual Reports on file with the Florida Public Service Commission.



Mathew S. Griffin

The foregoing instrument was subscribed and sworn to before me this 6th day of October, 2004 by Mathew S. Griffin who is personally known to me.

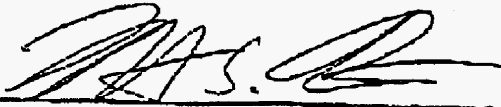
Notary Public: 



**PART IX AFFIDAVIT**

I, HUDSON UTILITIES, INC. (applicant) do solemnly swear or affirm that the facts stated in the forgoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY:



Applicant's Signature

**HUDSON UTILITIES, INC.**

Applicant's Name (Typed)

VICE-PRESIDENT

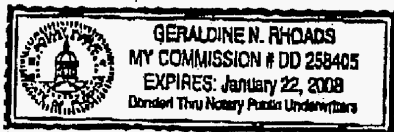
Applicant's Title \*

Subscribed and sworn to before me this 15<sup>th</sup> day in the month of October

in the year of 2004 by MATHEW GRIFFIN who is personally known to me

or produced identification \_\_\_\_\_

Type of Identification Produced



Notary Public's Signature

Print, Type or Stamp Commissioned  
Name of Notary Public

\* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

