

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for "quick take" amendment
of Certificate Nos. 455-W and 389-S in Flagler
County by Plantation Bay Utility Company.

DOCKET NO. 050123-WS
ORDER NO. PSC-05-0491-FOF-WS
ISSUED: May 5, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER ACKNOWLEDGING AMENDMENT OF CERTIFICATE
NOS. 455-W AND 389-S IN FLAGLER COUNTY

BY THE COMMISSION:

Plantation Bay Utility Company (Plantation Bay or utility) is a Class B water and wastewater utility located in Flagler and Volusia Counties. According to its 2004 annual report, Plantation Bay serves 1,251 water connections and 1,210 wastewater connections with combined annual operating revenues of \$571,158, and a net income of (\$35,297). On February 17, 2005, the utility filed an initial application for a "Quick Take" amendment to Water Certificate No. 455-W and Wastewater Certificate No. 389-S in Flagler and Volusia Counties, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code. The utility's completed application was filed on March 9, 2005. As explained below, we acknowledge Plantation Bay's application to expand its certificated territory. We have jurisdiction pursuant to Section 367.045, Florida Statutes.

The "quick take" provisions of Rule 25-30.036(2), Florida Administrative Code, allow a utility to amend its certificate to serve additional territory when the number of ERCs to be served does not exceed 25, and when there is no other utility in the area capable of providing service. The utility must show that service is needed due to well contamination, septic tank failure, or that service is otherwise not available. Noticing is required, and if no protest is timely filed, the application shall be considered approved.

Plantation Bay's application is the result of a Flagler County notice to the utility's parent company indicating that according to the Development of Regional Impact Development Order, utility connections to a proposed community park were now necessary. Consisting of approximately twenty acres, the proposed amended territory will encompass a recreation park with tennis and basketball courts, baseball fields, walking trails, and a community center. The proposed area is adjacent to the utility's existing service territory. The utility states that the new

DOCUMENT NUMBER-DATE

04399 MAY-5 05

PSC-COMMISSION OF FLORIDA

territory will not exceed a maximum of 25 ERCs and that no other utility in the area is willing and/or capable of providing reasonably adequate service to the territory.

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. With a permitted capacity of .750 MGD, Plantation Bay's water supply facility is made up of four wells with aeration, sand filtration, and lime softening employed for treatment purposes. The wastewater treatment facility has a permitted treatment capacity of .475 MGD. It is an extended air secondary treatment plant with effluent disposal sent to percolation ponds and reuse.

The utility has provided verification that it owns the land upon which its treatment facilities are located. Adequate service territory maps and a territory description have also been provided. A description of the proposed amendment territory is appended to this order as Attachment A. 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 received and the time for filing such has expired.

Our staff has contacted the Department of Environmental Protection (DEP) and learned that there are no outstanding notices of violation issued for the Plantation Bay wastewater treatment facility. However, for the water treatment facility there is enforcement activity due to an outstanding consent order concerning disinfection byproducts. DEP reports that the utility is working towards compliance. Therefore, we believe that this compliance problem will be resolved without Commission involvement. The utility intends to install all water and wastewater system improvements that are necessary to accommodate the needs of the proposed amended area. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

Based on the above information, we find it is in the public interest to acknowledge the "Quick Take" amendment application filed by Plantation Bay to add the additional territory described in Attachment A. The rates and charges approved by the Commission for Plantation Bay's service area should be applied to the customer in the new service territory.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Plantation Bay's application to amend Certificate Nos. 455-W and 389-S to include territory described in Attachment A to this Order is acknowledged. It is further

ORDERED that Plantation Bay shall charge the new customer the rates and charges contained in Plantation Bay's tariff until authorized to change by this Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of May, 2005.



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

(S E A L)

JAR

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.

PLANTATION BAY UTILITY COMPANY
EXTENTION OF SERVICE TERRITORY

Township 13 South, Range 31 East, Flagler County, Florida

Section 4: A portion of Lot 4, Block D, Section 4, Township 13 South, Range 31 East, Bunnell Development Company Subdivision, as recorded in Map Book 1, Page 1, Public Records of Flagler County, Florida, described as follows:

From the Southeast Corner of said Section 4; run South 89 12' 37" West along the South line of said Section 4, a distance of 1,324.71 feet; thence departing said line, run North 02 06' 36 " West along the East line of Lot 9, Block D and Lot 4, Block D a distance of 1,628.22 feet to the POINT OF BEGINNING; thence departing said line; run South 89 30' 43" West a distance of 666.56 feet; thence North 02 15' 17 " West along the West line of said Lot 4, Block D, a distance of 653.01 feet to the South right-of-way line of Old Dixie Highway, a 66-foot right-of-way; thence North 89 30' 43" East along said right-of-way line a distance of 668.21 feet; thence departing said right-of-way line; run South 02 06' 36" East along the East line of said Lot 4, Block D a distance of 652.96 feet to the POINT OF BEGINNING. Containing 10.0 acres.

Township 13 South, Range 31 East, Flagler County, Florida

Section 4: A portion of Lot 4, Block D, Section 4, Township 13 South, Range 31 East, Bunnell Development Company Subdivision, as recorded in Map Book 1, Page 1, Public Records of Flagler County, Florida, described as follows:

From the Southeast Corner of said Section 4; run South 89 12' 37" West along the South line of said Section 4, a distance of 1,324.71 feet; thence departing said line, run North 02 06' 36 " West along the East line of Lot 9, Block D, a distance of 994.19 feet to the POINT OF BEGINNING; thence continue North 02 06' 36" West along the East line of Lot 4, Block D, a distance of a distance of 634.03 feet; thence departing said line; run South 89 30' 43" West, a distance of 666.56 feet to the West line of said Lot 4, Block D; thence South 02 15' 17" East along said line a distance of 633.9 feet; thence departing said line; run North 89 31' 09" East along the South line of said Lot 4, Block D, a distance of 664.96 feet to the POINT OF BEGINNING. Containing 9.60 acres.