

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for quick-take amendment of
Certificates 611-W and 527-S for new territory
in Charlotte County, by MSM Utilities, LLC.

DOCKET NO. 060628-WS
ORDER NO. PSC-06-1064-FOF-WS
ISSUED: December 26, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

ORDER APPROVING AMENDMENT OF CERTIFICATE NOS. 611-W AND 527-S AND
CLOSING DOCKET

BY THE COMMISSION:

Background

MSM Utilities, LLC (MSM or utility) is a Class C water and wastewater utility located in Charlotte County. According to its 2005 annual report, MSM serves 56 water and wastewater connections with combined annual operating revenues of \$18,820, and a net income of (\$109,060).

On September 15, 2006, the utility filed its initial application, with the completed follow-up application filed on October 6, 2006, for a "Quick Take" amendment to Certificate Nos. 611-W and 527-S for new territory in Charlotte County. This filing was made pursuant to Rule 25-30.036(2), Florida Administrative Code. We have jurisdiction pursuant to section 367.045, Florida Statutes.

The "Quick Take" amendment is designed to provide water and/or wastewater service quickly for areas that serve less than 25 equivalent residential connections (ERCs). Typically, a well or septic tank fails or service is otherwise not available and service is needed as soon as possible. The request for service territory expansion and amendment of existing certificates are considered approved when a utility complies with Rule 25-30.036(2), Florida Administrative Code, and if no protest is timely filed to the notice of application. Because service to less than 25 ERCs is affected, the simplified "Quick-Take" filing is appropriate for this case.

DOCUMENT NUMBER-DATE

11748 DEC 26 06

FPSC-COMMISSION CLERK

Amendment Application

The utility anticipates that the majority of customers in the proposed amended territory will be a mixture of single and multi-family residential units, and commercial development. The proposed territory, expected not to exceed 25 ERCs at the time of build-out, is made up of two unconnected parcels that lie adjacent to the utility's existing territory. The total additional area is composed of approximately 17.5 acres. This area was recently purchased by the utility's owner for future development purposes.

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. The utility has provided verification that it has a 99-year lease for 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 amended territory and a list of Commission orders identifying the utility's authorized service territory are 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.

We have contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for MSM's water and wastewater treatment facilities. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and has returned its certificate for entry reflecting the additional territory.

Based on the above information, we find that it is in the public interest to approve the "Quick Take" amendment application filed by MSM to add the additional territory described in Attachment A. This Order shall serve as MSM's amended certificate and it shall be retained by the utility. The utility shall charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized by this Commission to change them in a subsequent proceeding.

Based on the foregoing, it is

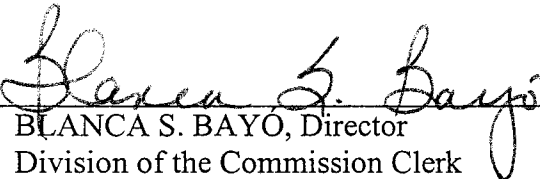
ORDERED by the Florida Public Service Commission that Certificates Nos. 611-W and 527-S, held by MSM Utilities, LLC, are hereby amended to include the territory shown on Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that MSM 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 this Order shall serve as MSM's amended certificate and it shall be retained by the utility. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th day of December, 2006.


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

(S E A L)

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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.

MSM UTILITIES, LLC

DESCRIPTION OF PROPOSED TERRITORY

Water and Wastewater Service Area

Charlotte County

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East, Charlotte County, Florida.

Together with:

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East, Charlotte County, Florida.

And:

The Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of Section 13, Township 40 South, Range 23 East, Charlotte County, Florida. Less and except the Right-of-Way for a public highway along the East side of said land, and Less and except the Right-of-Way for a public road along the North line of said land, and Less and except the following: Commence at the Northeast corner of said Section 13; thence along the North boundary of said Section 13, North $88^{\circ}26'45''$ West, 45.15 feet, to the Westerly maintained Right-of-Way line of State Road 35 (US 17) for a point of beginning; thence along said Westerly maintained Right-of-Way line, South $00^{\circ}23'35''$ West, 330.28 feet; thence North $88^{\circ}24'16''$ West, 8.00 Feet; thence North $00^{\circ}23'35''$ East, 330.28 feet, to said North boundary of Section 13; thence along said North boundary, South $88^{\circ}26'45''$ East, 8.00 feet, to the point of beginning.

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

MSM Utilities, LLC
Pursuant to
Certificate Number 611-W

to provide wastewater service in Charlotte County in accordance with the provisions of Chapter 367, Florida Statutes, the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-99-0756-FOF-WS	04-19-1999	980731-WS	Original Certificate
PSC-05-0147-PAA	02-07-2005	031042-WS	Transfer
PSC-06-0129-FOF-WS	02-16-2006	050820-WS	Amendment
PSC-06-1064-FOF-WS	12-26-2006	060628-WS	Amendment

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

MSM Utilities, LLC
Pursuant to
Certificate Number 527-S

to provide water service in Charlotte County in accordance with the provisions of Chapter 367, Florida Statutes, the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
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