

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 590-W and 508-S to extend water and wastewater service areas to include land in Polk County, by Gold Coast Utility Corp. | DOCKET NO. 080582-WS
ORDER NO. PSC-09-0104-FOF-WS
ISSUED: February 18, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

FINAL ORDER APPROVING AMENDMENT OF CERTIFICATES

BY THE COMMISSION:

BACKGROUND

Gold Coast Utility Corp. (Gold Coast or utility) is a Class B utility serving approximately 150 residential and 32 general service water and wastewater customers in Polk County. The utility is in the South Florida Water Management District (SFWMD) and is not in a water use caution area. The utility's 2007 annual report shows total operating revenues of \$169,486 and \$296,759, and net operating losses of \$27,779 and \$9,083, for water and wastewater, respectively.

The utility was granted Certificate Nos. 590-W and 508-S in 1997, subsequent to Polk County turning over jurisdiction.¹ There has been one transfer docket and one amendment docket since the utility was certificated.² We have jurisdiction pursuant to Sections 367.045, Florida Statutes (F.S.).

AMENDMENT APPLICATION

On September 9, 2008, Gold Coast filed an amendment application pursuant to Rule 25-30.036(3), Florida Administrative Code (F.A.C.). The amendment is to extend service to the Saddlebag Lake Resort, an RV park with approximately 750 home sites, and an adjacent

¹ Order No. PSC-97-0567-FOF-WS, issued May 20, 1997, in Docket No. 961485-WS, In re: Application for grandfather certificates to provide water and wastewater service in Polk County by Lake Haven Utility Association, Ltd. d/b/a Lake Wales Utility Co., Ltd.

² Order No. PSC-06-0331-PAA-WS, issued April 24, 2006, in Docket No. 050902-WS, In re: Application to transfer assets and Certificate Nos. 590-W and 508-S in Polk County from Lake Haven Utility Associates, Ltd., d/b/a Lake Wales Utility Company to Gold Coast Utility Corp.; and Order No. PSC-06-0770-FOF-WS, issued September 18, 2006, in Docket No. 060166-WS, In re: Application for amendment of Certificates 590-W and 508-S to extend water and wastewater service areas to include certain land in Polk County by Gold Coast Utility Corp.

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undeveloped area owned by Alico Land Development, Inc., which may potentially have 480 equivalent residential connections. The utility currently providing water and wastewater service within Saddlebag Lake Resort is owned by Saddlebag Land Owners Association (SLOA), a nonprofit corporation, established in 1972, which is exempt from our regulation pursuant to Section 367.022(7), F.S.

The application complies with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contained the requisite proof of notice pursuant to Rule 25-30.030, F.A.C. No objections to the notices were filed and the time for filing such has expired. Adequate service territory and system maps and a territory description have been provided. A description of the territory requested to be added by the utility is appended to this order as Attachment A. The utility is in compliance with the regulations of the Florida Department of Environmental Protection (DEP) and SFWMD.

According to the Department of Community Affairs (DCA), the area is zoned for residential use for the existing subdivision. Also, DCA stated that there are no major development plans that would require an amendment to the County Comprehensive Plan. DCA has not identified any potential inconsistency between the proposed service area expansion and the Polk County Comprehensive Plan.

SLOA has compliance issues that have not risen to the level of notice of violation or consent orders regarding the operation of the wastewater treatment plant, but which will require substantial improvements if the plant is not taken out of service. In order for SLOA to avoid as much of those costs as possible, SLOA initiated discussion with Gold Coast to interconnect to Gold Coast's water and wastewater systems, and to eventually dismantle SLOA's water and wastewater treatment facilities.

Gold Coast plans to start the interconnection process soon after the certificate amendment is approved. SLOA, which is exempt from our regulation, will be billed as a bulk customer of Gold Coast based on Gold Coast's existing rates and charges once the interconnection is made, and SLOA will continue to bill its members. Gold Coast estimates that the interconnection should take place within a year and a half from the time the amendment is approved.

Based on all the above, we find that Gold Coast's amendment application to expand its territory shall be approved. The proposed territory amendment is described in Attachment A. This order shall serve as Gold Coast's water and wastewater certificates and shall be retained by the utility. Gold Coast shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Gold Coast Utility Corp. for amendment of Certificates 590-W and 508-S to extend water and wastewater service areas to include land in Polk County is hereby approved as set forth above, and the utility shall be allowed to serve the territory described in Attachment A. It is further

ORDERED that this Order shall serve as Gold Coast Utility Corp.'s amended certificates and shall be retained by the utility. It is further

ORDERED that Gold Coast Utility Corp. shall charge the customers in the added territory the rates and charges contained in its tariffs until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that no further action is necessary and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 18th day of February, 2009.



ANN COLE
Commission Clerk

(S E A L)

RRJ

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.

TERRITORY DESCRIPTION
GOLD COAST UTILITY CORP.
POLK COUNTY
WATER AND WASTEWATER SERVICE
ALICO LAND DEVELOPMENT, INC.

In Section 6, Township 30 South, Range 29 East, Polk County, Florida

The West 1/2 of the SE 1/4 of the SW 1/4 and the East 1/2 of the SW 1/4 of the SW 1/4

AND;

In Section 7, Township 30 South, Range 29 East, Polk County, Florida

In the NE 1/4, less the East 40' for County Road and less a parcel beginning at the SE corner of the NE 1/4 of the section, thence N 89°04'47" West along the South boundary of said NE 1/4 a net distance of 330.00 feet, thence North parallel with the East boundary of said NE 1/4 a net distance of 330.00 feet, thence S 89°04'47" East parallel with said South boundary a net distance of 330.00 feet to said East boundary, thence South along said East boundary a net distance of 330.00 feet to the Point of Beginning, subject to Right-of-Way of Boy Scout Camp Road.

AND;

The NE 1/4 of the NW 1/4.

SADDLEBAG LAKE OWNERS ASSOCIATION

In Section 1, Township 30 South, Range 28 East

The SE 1/4

AND;

In Section 6, Township 30 South, Range 28

The West 1/2 of the Southwest 1/4, all of which property is located in Polk County, Florida.

FLORIDA PUBLIC SERVICE COMMISSION

authorizes

Gold Coast Utility Corp.
pursuant to
Certificate Number 590-W

to provide water service in Polk County in accordance with the provisions of Chapter 367, Florida Statutes, and 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-97-0567-FOF-WS | 05/20/97 | 961485-WS | Grandfather Certificate |
| PSC-06-0331-PAA-WS | 04/24/06 | 050902-WS | Transfer of Certificate |
| PSC-06-0770-FOF-WS | 09/18/06 | 060166-WS | Amendment |
| PSC-09-0104-FOF-WS | 02/18/09 | 080582-WS | Amendment |

FLORIDA PUBLIC SERVICE COMMISSION

authorizes

Gold Coast Utility Corp.
pursuant to
Certificate Number 508-S

to provide wastewater service in Polk County in accordance with the provisions of Chapter 367, Florida Statutes, and 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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