

State of Florida



# Public Service Commission

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

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** August 6, 2009

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Economic Regulation (Redemann)  
Office of the General Counsel (Klancke)

*PER PDC [initials] [initials]*  
*CMC [initials]*

**RE:** Docket No. 090315-SU – Application for quick-take amendment of Certificate No. 379-S in Seminole County by Alafaya Utilities, Inc.  
County: Seminole

**AGENDA:** 08/18/09 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Argenziano

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\090315.RCM.DOC

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COMMISSION  
CLERK

### Case Background

Alafaya Utilities, Inc. (Alafaya or utility), a subsidiary of Utilities, Inc., is a Class A wastewater utility located in Seminole County. It provides wastewater service to approximately 7,106 residential customers, 154 general service customers, and 1,663 reuse customers. Alafaya is located in the St. Johns River Water Management District which is considered a priority water resource caution area. Water service is provided by the City of Oviedo. In 2008, the utility had annual operating revenues of \$3,791,018 for wastewater, with a net operating income of \$554,193 for wastewater. Alafaya recently applied for a limited proceeding in Docket No.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Docket No. 090315-SU

Date: August 6, 2009

090121-SU, to recover the cost of upgrading and expanding the reuse system, to recover the utility's modernization of its accounting system, and to recover digester costs.<sup>1</sup>

On May 19, 2009, the utility filed an application for an amendment to Certificate No. 379-S in Seminole County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes (F.S.).

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<sup>1</sup> Docket No. 090121-SU, In Re: Application for limited proceeding rate increase in Seminole County by Alafaya Utilities, Inc.

### **Discussion of Issues**

**Issue 1:** Should the Commission acknowledge Alafaya Utilities, Inc.'s "Quick Take" application to amend Certificate No. 379-S in Seminole County?

**Recommendation:** Yes, the Commission should acknowledge Alafaya amendment application to expand its territory. The proposed territory amendment is described in Attachment A to this recommendation. The resultant order should serve as Alafaya Utilities, Inc.'s amended certificate and it should be retained by the utility. The utility should charge the customers in the territory added herein the monthly service rates and charges contained in its current tariff until authorized to change by the Commission. (Redemann)

**Staff Analysis:** On May 19, 2009, Alafaya applied for a "Quick Take" amendment to Certificate No. 379-S in Seminole County, Florida, pursuant to Rule 25-30.036(2), F.A.C. The completed application was filed on June 3, 2009. The requested territory, which is contiguous to the utility's existing service territory, is for seven proposed residential homes. According to Alafaya, no other utility in the area is willing or capable of providing reasonably adequate service to the territory.

The "Quick Take" amendment process is designed for service territory additions of less than 25 equivalent residential connections (ERCs). The abbreviated application requires less information than an amendment file pursuant to Rule 25-30.036(3), F.A.C., and requires less staff time to process. The amendment is considered approved when the utility completes the filing requirements and if no protest is timely filed to the notice of application.

The application is in compliance 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 contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C. Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), F.A.C.

Alafaya's wastewater plant is regulated by the Department of Environmental Protection's (DEP) Central District office in Orlando. The utility is current in all of the required chemical analyses and the utility has met all required standards for wastewater. The wastewater effluent quality is considered to be satisfactory by the DEP. Based on the above information, the Commission should acknowledge Alafaya's amendment application to expand its territory. The proposed territory amendment is described in Attachment A to this recommendation. The resultant order should serve as Alafaya's amended certificate and it should be retained by the utility. The utility should charge the customers in the territory added herein the monthly service rates and charges contained in its current tariff until authorized to change by the Commission.

Docket No. 090315-SU

Date: August 6, 2009

**Issue 2:** Should the docket be closed?

**Recommendation:** Yes. There are no further actions to be taken in this docket, and the docket should be closed. (Klancke)

**Staff Analysis:** Yes. There are no further actions to be taken in this docket, and the docket should be closed.

Alafaya Utilities, Inc.  
Seminole County  
Wastewater Service Area

Part of the Oviedo Forest subdivision

That part of Section 12, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Section 12, Township 21 South, Range 31 East and run South along the east boundary line of Section 12 a distance of 917.6 feet to the Point of Beginning, thence run S54°26'3"E a distance of 211.8 feet, thence run S15°40'38"W a distance of 138.5 feet, thence run S40°37'13"E a distance of 269.3 feet, thence run S20°53'56"E a distance of 64.9 feet, thence run S0°35'38"W a distance of 129.9 feet, thence run S80°15'8"W a distance of 99.9 feet, thence run S61°33'58"W a distance of 153.3 feet, thence run S31°29'44"W a distance of 191.8 feet to a point on the east boundary line of Section 12, Township 21 South, Range 31 East, thence run North along said boundary line a distance of 901.9 feet to the Point of Beginning.

Note: The legal description is based on Seminole County's Property appraisers database. The lots extending beyond Section 12 appear to be within Section 7 based on Section boundaries. However, the property appraisal information for each parcel classifies them in Section 12.

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**Alafaya Utilities Inc.**  
**pursuant to**  
**Certificate Number 379-S**

to provide wastewater service in Seminole 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>
14841	09-03-1985	850209-SU	Original Certificate
15573	01-23-1986	860014-SU	Amendment
18486	12-02-1987	870923-SU	Amendment
19579	06-28-1988	880562-SU	Amendment
PSC-93-0358-FOF-SU	03-08-1993	920885-SU	Amendment
PSC-95-0489-FOF-SU	04-18-1995	941106-SU	Transfer
PSC-96-1281-FOF-SU	10-15-1996	951419-SU	Amendment
PSC-04-0149-FOF-SU	02-11-2004	030957-SU	Amendment
PSC-06-0826-FOF-SU	10-06-2006	060400-SU	Amendment
PSC-06-0826A-FOF-SU	11-20-2006	060400-SU	Amendatory
PSC-06-0826B-FOF-SU	11-22-2006	060400-SU	Second Amendatory
*	*	090315-SU	Amendment

**\* Order Number and date to be provided at time of issuance**