

Ruth Nettles

090459-WS

From: Charlene Furtado [furtadoc@stlucieco.org]
Sent: Wednesday, October 07, 2009 12:52 PM
To: Filings@psc.state.fl.us
Subject: Objection to Application of Bluefield Utilities, LLC; Docket No. 090459-WS
Attachments: Bluefield Utilities-Objection.pdf

Daniel S. McIntyre, Esq., St. Lucie County Attorney, 2300 Virginia Avenue, Fort Pierce, Florida 34982; mcintyred@stlucieco.org
 Docket No. 090459-WS; In re: Application by Bluefield Utilities, LLC to operate a Water and Wastewater Utility in Martin and St. Lucie Counties, Florida

Board of County Commissioners of St. Lucie County, Florida

2 pages

Objection of St. Lucie County, Florida, to Application for Original Certificates for Proposed Water & Wastewater System & Request for Initial Rates & Charges.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Bluefield Utilities, LLC
to operate a Water and Wastewater Utility in
Martin and St. Lucie Counties, Florida

Docket No. 090459-WS

**OBJECTION OF ST. LUCIE COUNTY, FLORIDA
TO APPLICATION FOR ORIGINAL CERTIFICATES FOR PROPOSED
WATER AND WASTEWATER SYSTEM AND REQUEST FOR INITIAL
RATES AND CHARGES**

St. Lucie County, Florida, by and through its undersigned attorney, files the following objection to the Application by Bluefield Utilities, LLC ("Bluefield"), for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges ("Application"), and states the following:

1. The St. Lucie County Commission established the St. Lucie County Water and Sewer District on June 15, 2004 ("District"), pursuant to Chapter 153, Florida Statutes, Part II. The St. Lucie County Commission sits as the governing board of the District. The jurisdictional boundaries of the District comprise "the contiguous unincorporated areas of the County" not within the utility service areas of the Fort Pierce Utility Authority or the City of Port St. Lucie ("District Boundary"). Within the District Boundary, the District has the exclusive right to provide water and wastewater utility service. Pursuant to Chapter 153, Part II, Florida Statutes, no water or wastewater facilities may be constructed without the prior consent of the District.

2. The Territory Description set forth in Exhibit P of the Application includes property located in unincorporated St. Lucie County ("St. Lucie County Territory"). The St. Lucie County Territory falls within the District Boundary. The owners of the property within the St. Lucie County Territory have not requested the District to provide water and sewer service not notified the District of any need for water and sewer services. Nor has Bluefield submitted a request to the District for consent to provide water and sewer service within the District Boundary. The St. Lucie County Commission, sitting as the governing board of the District, has not consented to Bluefield providing water and sewer service within the District Boundary. Accordingly, Bluefield has failed to meet the statutory prerequisite in Chapter 153, Part II, to obtain consent of the District, and cannot include the St. Lucie County Territory in its Application with the Commission.

3. The District currently has a 20-Year Water Consumptive Use Permit issued by the South Florida Water Management District ("CUP") to serve the 20-year potable water needs of the current and future customers within the District Boundary. The CUP includes an

allocation of water for future water service to the St. Lucie County Territory and surrounding territory. Pursuant to the District's adopted Utility Extension Policy, the property owners within the St. Lucie County Territory may obtain water and wastewater utility service from the District in accordance with the terms of the Utility Extension Policy. Accordingly, there is no need for water and wastewater utility service to the St. Lucie County Territory by Bluefield.

4. Pursuant to the St. Lucie county Comprehensive Plan, Chapter 6(A) Sanitary Sewer Sub-Element and Chapter 6(D) Potable Water Sub-Element, Objective 6A.1.1 and Goal 6D.1, public utilities cannot be provided in a manner that promote sprawl and leapfrog development. As the St. Lucie County Territory is far removed from existing development and is rural/agricultural in nature, granting Bluefield's Application will violate these Comprehensive Plan requirements by promoting sprawl and leapfrog development. Accordingly, the Bluefield Application should be denied as inconsistent with and not in conformity with the goals, policies and objectives of the County Comprehensive Plan. No applications for land use changes have been submitted. The County has initiated a comprehensive Western Lands Study in which the issue of development of western land including the provision of utility services will be addressed.

Based on the foregoing, St. Lucie County objects to the Bluefield Land Application and requests the Commission deny the Application to the extent of removing the St. Lucie County Territory from consideration by the Commission.

s/ Daniel S. McIntyre
Daniel S. McIntyre
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I hereby certify that on the 7th day of October 2009, this Objection was filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 323099-0850 and mailed to Bluefield Utilities, LLC, 660 Beachland Boulevard, Suite 301, Vero Beach, Florida 32963.

s/ Daniel S. McIntyre
Daniel S. McIntyre