



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: April 19, 2010

TO: Marguerite H. McLean, Commission Deputy Clerk II, Office of Commission Clerk
Dorothy E. Menasco, Chief Deputy Commission Clerk, Office of Commission Clerk

FROM: Anna R. Williams, Attorney, Office of the General Counsel

RE: Docket No. 090468-WS - Application for grandfather certificate to operate water and wastewater utility in St. Johns County by Orangedale Utilities, Inc.

RECEIVED-FPSC
 30 APR 19 AM 10:53
 COMMISSION CLERK

Please include the attached documents in the docket file for Docket No. 090468-WS. These documents were sent/received before Docket No. 090468-WS was opened, yet they are relevant to this docket and should be included for completeness.

#1 – Sample letter dated March 2, 2009. This letter was sent in Docket No. 090029-WS to all entities that may or may not have been subject to the Commission’s jurisdiction. The purpose of the letter was to send a form to such entities that, once filled out and mailed back to the Commission, would help staff determine whether the entity was exempt or needed to apply for a certificate following the St. John’s County ordinance that transferred jurisdiction over privately-owned water and wastewater utilities in St. John’s County to the Commission, effective January 16, 2009. Attached to each letter was a copy of the Commission order acknowledging the transfer of jurisdiction, Order No. PSC-09-0092-FOF-WS, issued on February 12, 2009, and Water Facility and Wastewater Facility Registration Forms. Recipients of this letter were instructed to complete the enclosed forms and return them to the Commission within 30 days of the letter or April 1, 2009.

#2 – Completed Water Facility Registration Form. This form was completed by Vineyard Mobile Home Park (“Vineyard MHP”) and received by the Commission on April 8, 2009. No other forms were provided by Vineyard MHP park.

#3 – Letter from Patti Daniel (Commission Staff) to Jon B. Stump (owner of Vineyard MHP and Orangedale Utilities, Inc., and President of Bartram Oaks Homeowners’ Association) dated September 4, 2009.

Thank you,

Anna Williams

DOCUMENT NUMBER-DATE

02983 APR 19 09

FPSC-COMMISSION CLERK

STATE OF FLORIDA

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



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

March 2, 2009

Mr. Pinkham Pacetti
Pacetti's Marina and Campground
6550 state Road 13 N
St. Augustine, Florida 32092-2020

RECEIVED
FLORIDA PUBLIC SERVICE
COMMISSION
09 MAR 18 PM 10:31
DIVISION OF
ECONOMIC REGULATION

Re: Docket No. 090029-WS – Ordinance by Board of County Commissioners of St. Johns County relating to regulation of water and wastewater utilities within the unincorporated areas of St. Johns County.

Dear Mr.Pacetti:

As you may be aware, the Board of County Commissioners of St. Johns County passed Ordinance No. 2008-57 on December 2, 2008. The ordinance transferred jurisdiction over privately-owned water and wastewater utilities in St. Johns County to the Florida Public Service Commission (FPSC), effective the date the ordinance was properly filed with the FPSC, which was January 16, 2009. A copy of the Commission's order acknowledging the transfer of jurisdiction is attached for your reference.

The FPSC is a state agency which provides economic regulation over utility rates and charges pursuant to Chapter 367, Florida Statute (F.S.). Our jurisdiction is separate and distinct from the jurisdiction of the Florida Department of Environmental Protection and your local water management district.

If you do not provide service to the public for compensation, then you are not subject to the Commission's jurisdiction. For, example, if your facility is used only to provide water or wastewater to serve your business, then you are not providing service to the public. In addition, if you provide water or wastewater service to someone other than yourself, but receive no compensation for that service, then you are also not subject to the Commission's jurisdiction.

However, if you are providing, or propose to provide, water or wastewater service to the public for compensation, then you are a utility and the Commission must determine whether you are exempt from jurisdiction or need to apply for a certificate from the Commission to continue to charge for service. Section 367.022, F.S., contains several exemptions that may apply to your utility. For example, if you are a landlord providing service to tenants and the cost of water or wastewater service is included in monthly rent, then you are exempt. It is extremely important to note that, effective January 16, 2009, if you are not exempt, you may not change your service area or rates and charges or transfer ownership of the utility facilities without prior Commission approval.

DOCUMENT NUMBER-DATE

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

02983 APR 19 09
FPSC-COMMISSION CLERK

Mr. Pinkham Pacetti

Page 2

March 2, 2009

Florida Statutes require that each water and wastewater utility in St. Johns County register with the Commission. In order to comply with Florida Statutes, you must complete and return the enclosed registration form(s). The form will help staff determine whether you are exempt or need to apply for a certificate from the Commission.

The enclosed registration form(s) should be completed and returned to the Commission no later than 30 days from the date of this letter, or by April 1, 2009, to the address given at the bottom of the form. If you have any questions or need any assistance completing the form, please contact a member of my staff, Ms. Patricia Brady at (850) 413-6686 or pbrady@psc.state.fl.us. Thank you for your timely assistance in this matter.

Sincerely,

Patti Daniel

Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economic & Tariffs

PD/PB:kb
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Ordinance by Board of County Commissioners of St. Johns County relating to regulation of water and wastewater utilities within the unincorporated areas of St. Johns County.

DOCKET NO. 090029-WS
ORDER NO. PSC-09-0092-FOF-WS
ISSUED: February 12, 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 ACKNOWLEDGING ORDINANCE TRANSFERRING JURISDICTION BY
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

BY THE COMMISSION:

On December 2, 2008, the Board of County Commissioners of St. Johns County passed Ordinance No. 2008-57, declaring the privately-owned water and wastewater facilities in St. Johns County to be subject to the provisions of Chapter 367, Florida Statutes (F.S.). The effective date of the Ordinance was to be the date the Ordinance was filed with the Public Service Commission. Therefore, the effective date of the transfer of jurisdiction is January 16, 2009.

Pursuant to Section 367.171(1), F.S., the provisions of the Chapter become effective in a county upon the adoption of a resolution or ordinance by the board of county commissioners declaring the County subject to the Chapter's provisions. Any board of county commissioners which adopts such a resolution or ordinance is required to notify immediately the Commission of its adoption and submit the resolution or ordinance to the Commission.

Each privately-owned utility in St. Johns County is required to register with the Commission within thirty (30) days of the date the Commission received jurisdiction, or by February 16, 2009, pursuant to Section 367.171(2)(a), F.S. Pursuant to Section 367.031, F.S., all utilities must either obtain a certificate of authorization from the Commission or be exempt from Commission regulation.

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system is entitled to receive a grandfather certificate for the area served by the utility on the day the Chapter becomes applicable to it. Within 90 days after the day the Chapter becomes applicable, the utility is required to apply for a grandfather certificate by filing an

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

application with the Commission. In addition, since the utility is subject to the Chapter, each utility must continue to collect the rates and charges for water and wastewater service which were being collected on January 16, 2009, until changed by the Commission.

Entities which are not exempt from Commission regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets. These applicants will also be advised of their responsibility to file an annual report for 2009, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit annual regulatory assessment fees (RAFs) from January 16 through December 31, 2009, pursuant to Rule 25-30.120, F.A.C. The applicants will also be advised of their right to file for a pass-through of RAFs, should they not be currently collecting RAFs, or if they are collecting a lesser amount than they would be paying to the Commission.

Based on the above information, we acknowledge Ordinance No. 2008-57 by the County Commissioners of St. Johns County, effective January 16, 2009. All non-exempt, privately-owned water and wastewater utilities in St. Johns County, or any utility which transverses the boundary between St. Johns and any other County, shall comply with the provisions of Chapter 367, F.S. We have contacted the County Administrator for a list of the privately-owned water and wastewater utilities which were regulated by St. Johns County on January 16, 2009, along with available information on each utility's current rates, charges, and territory served. We have also contacted the Florida Department of Environment Protection (FDEP) to advise it of the Ordinance and obtain a list of all privately-owned water and wastewater facilities in St. Johns which FDEP monitors for environmental compliance. The utilities identified by the County and FDEP will receive a letter from this Commission advising them of the transfer of jurisdiction and providing them with information to determine whether or not they are exempt from Commission regulation pursuant to Section 367.022, F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ordinance No. 2008-57 by the Board of County Commissioners of St. Johns County, effective January 16, 2009, is hereby acknowledged as set forth herein. It is further

ORDERED that all non-exempt, privately-owned water and wastewater utilities in St. Johns County, or any utility which transverses the boundary with St. Johns, shall comply with the provisions of Chapter 367, F.S. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of February, 2009.



ANN COLE
Commission Clerk

(S E A L)

ARW

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.

FLORIDA PUBLIC SERVICE COMMISSION
WATER FACILITY REGISTRATION FORM

I. Name _____

Address _____
City _____ State _____ Zip Code _____
Telephone No. _____ E-Mail _____
Contact Name _____

II. Provision of Service

1. Provide the number of customers that receive service from your facility.

Residential customers _____

Commercial customers _____

2. Is water service provided for compensation?

Yes _____ No _____

3. How is wastewater service provided? _____

III. Please check any exemption that you believe may apply to your facility.

1. _____ The sale, distribution, or furnishing of bottled water.
2. _____ Systems owned, operated, managed, or controlled by a government authority.
3. _____ Manufacturers providing service solely in connection with their operations.
4. _____ Public lodging establishments providing service solely in connection with service to their guest.

5. _____ Landlords providing service to their tenants without specific compensation for the service.
6. _____ Systems with the capacity, or proposed capacity, to serve 100 or fewer persons. (10,000 gallons per day or less).
7. _____ Nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives.
8. _____ Any person who resells water service at a rate or charge which does not exceed the actual purchase price of the water.
9. _____ The sale of bulk supplies of desalinated water to a governmental authority.
10. _____ Any person providing only nonpotable water for irrigation or fire flow purposes in a geographic area where potable water service is available from a governmentally or privately owned utility or a private well.
11. _____ The sale for resale of bulk supplies of water to a governmental authority or to a utility regulated pursuant to Chapter 367, Florida Statutes, either by the commission or the county.

This form must be signed by an officer, director, or managing member of the corporation owning the facility, or by the sole proprietor, attesting to the accuracy of the information. Pursuant to Section 837.06, Florida Statutes, penalties may be assessed for knowingly making a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty.

(Signature) _____

(Printed or Typed Name) _____

(Title) _____ Date _____

The completed and signed form should be returned before April 1, 2009 to:

Patti Daniel, Supervisor of Certification
 Division of Economic Regulation
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399-0850

FLORIDA PUBLIC SERVICE COMMISSION
WASTEWATER FACILITY REGISTRATION FORM

I. Name _____

Address _____
City _____ State _____ Zip Code _____
Telephone No. _____ E-Mail _____
Contact Name _____

II. Provision of Service

1. Provide the number of customers that receive service from your facility.

Residential customers _____

Commercial customers _____

2. Is wastewater service provided for compensation?

Yes _____ No _____

3. How is water service provided? _____

III. Please check any exemption that you believe may apply to your facility.

1. _____ Systems owned, operated, managed, or controlled by a government authority.
2. _____ Manufacturers providing service solely in connection with their operations.
3. _____ Public lodging establishments providing service solely in connection with service to their guest.
4. _____ Landlords providing service to their tenants without specific compensation for the service.

- 5. _____ Systems with the capacity, or proposed capacity, to serve 100 or fewer persons. (10,000 gallons per day or less).
- 6. _____ Nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives.
- 7. _____ Any person who resells wastewater service at a rate or charge which does not exceed the actual purchase price of the wastewater.
- 8. _____ Wastewater treatment plants operated exclusively for disposing of Industrial wastewater.
- 9. _____ The sale for resale of wastewater services to a governmental authority or to a utility regulated pursuant to Chapter 367, Florida Statutes, either by the commission or the county.

This form must be signed by an officer, director, or managing member of the corporation owning the facility, or by the sole proprietor, attesting to the accuracy of the information. Pursuant to Section 837.06, Florida Statutes, penalties may be assessed for knowingly making a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty.

(Signature) _____

(Printed or Typed Name) _____

(Title) _____ Date _____

The completed and signed form should be returned before April 1, 2009 to:

Patti Daniel, Supervisor of Certification
 Division of Economic Regulation
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399-0850

FLORIDA PUBLIC SERVICE COMMISSION
WATER FACILITY REGISTRATION FORM

I. Name VINYARD MHP (MAIL - P.O. Box 886
PLWS-2551120 GREEN GROVE SPRINGS.
Address 528 MAJESTIC OAK PKW. FL 32043
City St. AUGUSTINE State FL Zip Code 32092
Telephone No. 904-509-2417 E-Mail RedFish48@Comcast.NET
Contact Name JON STUMP

II. Provision of Service

1. Provide the number of customers that receive service from your facility.

Residential customers 136 POPULATION 192 SERVICE CONNECTIONS

Commercial customers 0

2. Is water service provided for compensation?

Yes No

3. How is wastewater service provided? SAME BILLING VIA PARK OWNED FACILITY.

III. Please check any exemption that you believe may apply to your facility.

- 1. The sale, distribution, or furnishing of bottled water. We have been asked to bottle our mineral water.
- 2. Systems owned, operated, managed, or controlled by a government authority.
- 3. Manufacturers providing service solely in connection with their operations.
- 4. Public lodging establishments providing service solely in connection with service to their guest.

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COMMISSION
DIVISION OF
ECONOMIC REGULATION
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5. _____ Landlords providing service to their tenants without specific compensation for the service.
6. _____ Systems with the capacity, or proposed capacity, to serve 100 or fewer persons. (10,000 gallons per day or less).
7. _____ Nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives.
8. _____ Any person who resells water service at a rate or charge which does not exceed the actual purchase price of the water.
9. _____ The sale of bulk supplies of desalinated water to a governmental authority.
10. _____ Any person providing only nonpotable water for irrigation or fire flow purposes in a geographic area where potable water service is available from a governmentally or privately owned utility or a private well.
11. _____ The sale for resale of bulk supplies of water to a governmental authority or to a utility regulated pursuant to Chapter 367, Florida Statutes, either by the commission or the county.

This form must be signed by an officer, director, or managing member of the corporation owning the facility, or by the sole proprietor, attesting to the accuracy of the information. Pursuant to Section 837.06, Florida Statutes, penalties may be assessed for knowingly making a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty.

(Signature) Jon B. Stump 3-29-09
 (Printed or Typed Name) Jon B. Stump
 (Title) Owner Date 3-29-09

The completed and signed form should be returned before April 1, 2009 to:

Patti Daniel, Supervisor of Certification
 Division of Economic Regulation
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399-0850

IOA - the Vivyard MHP, furnishes fire flow (potable water) to St. Johns County, FL in the NE. quadrant of County where no other provider exists. (At no charge).

COMMISSIONERS:
 MATTHEW M. CARTER II, CHAIRMAN
 LISA POLAK EDGAR
 KATRINA J. MCMURRIAN
 NANCY ARGENZIANO
 NATHAN A. SKOP

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR
 DIVISION OF ECONOMIC REGULATION
 (850) 413-6900

Public Service Commission

September 4, 2009

RETURN RECEIPT REQUEST

Mr. Jon B. Stump
 Orangedale Utilities, Inc.
 P.O. Box 886
 Green Cove Springs, FL 32043

Re: Application for original water and wastewater certificates in St. Johns County by Orangedale Utilities, Inc.

Dear Mr. Stump:

As you are aware, St. Johns County passed Ordinance No. 2008-57 in December of 2008 placing the privately-owned St. Johns County water and wastewater facilities under Public Service Commission jurisdiction effective January 16, 2009. After jurisdiction was acknowledged by the Commission, letters requesting grandfather applications were sent to the facilities previously regulated by St. Johns County. The remaining St. Johns County water and wastewater facilities, as listed on the Department of Environmental Protection's (FDEP's) website, were sent registration forms. Orangedale Utilities, Inc. (OUI) was listed on FDEP's website under the name of Vinyard Mobile Home Park. A registration form under that name, and signed by you on March 29, 2009, was received by the Commission for a bottled water exemption from regulation. Additional notes on the bottom of the registration form indicated that "fire flow (potable water)" was provided "at no charge."

On several occasions subsequent to the filing of the registration form, staff was contacted by you with corrections and changes in the utility's status. Once it became apparent that OUI was a utility in existence and charging rates at the time of jurisdiction, you were advised that rates and charges could not be changed without certificates of authorization and that you needed to file an application for certificates.

Section 367.171(2)(b), Florida Statutes (F.S.), provides that, within 90 days after the chapter becomes applicable to it, any utility engaged in the operation or construction of a system shall make application for a certificate. The 90 day period expired on April 16, 2009. Section 367.161, F.S., provides that the Commission has the power to impose upon any entity that is subject to its jurisdiction and that is found to have refused to comply with, or to have willfully violated, any statute, rule, or order of the Commission a penalty for each offense of not more than \$5,000. Therefore, if a substantially completed grandfather application is not received on or before September 30, 2009, it may be necessary for staff to initiate an enforcement proceeding pursuant to Section 367.161, F.S.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Mr. Jon B. Stump
Page 2
September 4, 2009

It should be noted that OUI will be required to file an annual report and remit regulatory assessment fees (RAFs) of 4.5% of gross revenues from January 16th through December 31st of 2009. The annual report and RAFs will be due on or before March 31, 2010. However, after a grandfather application is filed, you may request a pass-through of RAFs on a going-forward basis.

If you have any questions, please feel free to consult Ms. Patricia Brady at (850) 413-6686 or pbrady@psc.state.fl.us. Otherwise, staff will expect a substantially completed application for certificates to be filed on or before September 30, 2009. The application should be specifically addressed to:

Ms. Ann Cole; Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850.

Sincerely,

/ signed / pb.

Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economics & Tariffs

PD:(pb)

cc: Bartram Oaks Homeowners Association, Inc.
Mike Buckley
Division of Economic Regulation (Brady, Fletcher, Bulecza-Banks, Slemkewicz)
Office of the General Counsel (Brubaker)

Mr. Jon B. Stump
Page 3
September 4, 2009

ADDRESSES

Bartram Oaks Homeowners Association, Inc.
c/o Ms. Helen Bickert, President
271 Vintage Oak Circle
St. Augustine, FL 32092

Mike Buckley
268 Vintage Oak Circle
St. Augustine, FL 32309

COPY

090468-WS

RECEIVED-FPSC

09 OCT -7 AM 9:16 APPLICATION FOR GRANDFATHER CERTIFICATE

(Pursuant to Section 367.171, Florida Statutes)

To: COMMISSION
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

DEPOSIT DATE
09 62 OCT 07 2009

CHK# 1186
\$200.00
10-5-09
R

The undersigned hereby makes application for original certificate(s) to operate a water and/or wastewater utility in St. Johns County, Florida, and submits the following information:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the applicant:

ORANGEDALE UTILITIES, INC.

Name of utility
(904) 509-2417 (904) 824-4708
Phone No. Fax No.

528 MAJESTIC OAK PARKWAY
Office street address

St. AUGUSTINE FL 32092
City State Zip Code

P.O. Box 886, GREEN COVE SPRINGS, FL 32043
Mailing address if different from street address

redfish48@COMCAST.NET
Internet address if applicable

B) The name, address and telephone number of the person to contact concerning this application:

Jon B. Stump (904) 509-2417
Name Phone No.

528 MAJESTIC OAK PARKWAY
Street address

St. AUGUSTINE, FL 32092
City State Zip Code

DOCUMENT NUMBER DATE
10334 OCT-78
FPSC-COMMISSION CLERK