

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: September 15, 2010

TO: Dorothy E. Menasco, Chief Deputy Commission Clerk, Office of Commission Clerk

FROM: Martha A. Golden, Regulatory Supervisor/Consultant, Division of Economic Regulation *md p. 2*

RE: Docket No. 100366-WU, Joint application for acknowledgment of sale of land and facilities located in Pasco County, Florida to Pasco County, and cancellation of Certificate No. 235-W, by C. S. Water Company, Inc.

Please add the attached documents to Docket No. 100366-WU. Per e-mail dated September 10, 2010, Mr. Joseph Richards on behalf of Pasco County, confirmed that Pasco County purchased all of the utility facilities of C. S. Water Company including those in Hillsborough County and that Pasco County will continue to provide service to all former customers of C. S. Water Company. Mr. Richard's e-mail is in response to Commission staff's fax dated September 9, 2010 (also attached). Thank you.

Attachment
cc: GCL (Saylor)

RECEIVED-FPSC
10 SEP 15 PM 3:39
COMMISSION
CLERK

07744 SEP 15 2010
FPSC-REGULATORY CLERK

Martha Golden

From: Joseph Richards [jrichards@pascocountyfl.net]
Sent: Friday, September 10, 2010 1:33 PM
To: Martha Golden
Cc: Linda Strumski; Bruce Kennedy
Subject: C.S. Water

Ms. Golden, I received your e-mail and respond to your questions in the affirmative. Pasco County did purchase all of the utility facilities of C.S. Water including those in Hillsborough County and Pasco County will continue to provide service to all former customers of C.S. Water. Please let me know if you need a more formal response or filing from us on that point. Thanks

Regards,

Joe Richards
Senior Assistant County Attorney
Pasco County, Florida
West Pasco Government Center
7530 Little Road, Suite 340
New Port Richey, Florida 34654
727-847-8120

2010 SEP 15 11:34 AM

67744 SEP 15 09

FPSC-COMMISSION CLERK

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

September 9, 2010, 4:15 PM

To: Mr. Joseph Richards

Fax: 727-815-7026

From: Martha Golden

Voice: 850-413-7015

Fax: 850-413-7016

No. of Pages (Including Cover): 12

Re: Docket No. 100366-WU - Sale of C . S. Water Company to Pasco County

Notes: Hello, Mr. Richards,

I have attached the three Florida Public Service Commission orders related to C. S. Water Company's service territory for your reference.

Order No. 6997, issued November 14, 1975, provides the description of the service territory that was originally granted to the utility.

Order No. 24374 (see page 5 of order for additions), issued April 17, 1991, granted a territory amendment to add a small area in Hillsborough County that had been served by the utility since 1986, and the remainder of Sections 35 and 36 that were previously excluded from the service area located in Pasco County.

Order No. 25026 (see page 5 of order for full description), issued September 9, 1991, transferred ownership to Clyde and Judith Biston, and shows the utility's currently approved service territory description.

Based upon our review of the utility's application for transfer to Pasco County, we believe the service area description and map provided in Composite Exhibit A to the sales contract is outdated and reflects the original service territory granted by Order No. 6997. Will you please confirm whether Pasco County's purchase of the system included the utility facilities located in Hillsborough County, and if Pasco County will continue to provide service to the customers located in that portion of the service territory? Please feel free to call me at (850) 413-7015 or email me at mgolden@psc.state.fl.us if you have questions. Thank you for your assistance.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of C. S. WATER COMPANY,) DOCKET NO. 750544-W (AP)
INC., for a certificate to operate a)
water system in Pasco County, Florida.) ORDER NO. 6997

The following Commissioners participated in the disposition of this matter:

WILLIAM T. MAYO, Chairman
WILLIAM H. BEVIS
PAULA F. HAWKINS

ORDER

BY THE COMMISSION:

Subsection 367.171 (1) (b), Florida Statutes, 1971, provides in part that any utility engaged in the operation or construction of a system shall be entitled to receive a certificate for the area served if the utility will make application and file with this Commission a system map, description of the area served, and appropriate filing fee.

C. S. Water Company, Inc., has made application for a certificate to operate its existing water system in Pasco County, Florida. The officers of the corporation are Robert Thomas, David Welch, Dorothy C. Berger and Billy C. Douglas. We have examined the application and find it to be in substantial compliance with the law.

The appropriate filing fee has been paid. It is, therefore,

ORDERED by the Florida Public Service Commission that Water Certificate No. 235-W be and is hereby granted to C. S. Water Company, Inc., 4333 South 50th Street, Tampa, Florida, for the following described territory in Pasco County, Florida:

In Township 26 South, Range 21 East, Pasco County, Florida.

Section 35

All of said Section 35 less and except the two following described parcels:

1. The North 880 feet; and,
2. The South 2120 feet of the West 3480 feet.

Section 36

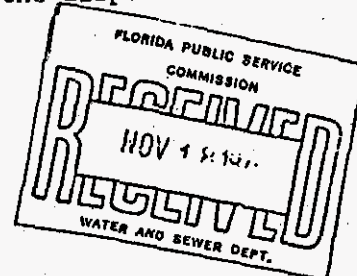
All of that portion of said Section 36, less and except the following described parcels:

1. The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
2. And less the West 2475' of the South 2120' in the SW $\frac{1}{4}$ of said section.

By Order of Chairman WILLIAM T. MAYO, Commissioner WILLIAM H. BEVIS, and Commissioner PAULA F. HAWKINS, as and constituting the Florida Public Service Commission, this 14th day of November 1975.

William B. DeMilly
William B. DeMilly
COMMISSION CLERK

(S E A L)



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ██████████
██████████ for amendment of
Certificate No. 235-W in Pasco and
Hillsborough Counties.

) DOCKET NO. 900805-WU
)
) ORDER NO. 24374
)
) ISSUED: 4/17/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
BETTY EASLEY
J. TERRY DEASON
GERALD L. GUNTER
MICHAEL MCK. WILSON

ORDER GRANTING AMENDMENT OF CERTIFICATE
TO INCLUDE ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

On October 2, 1990, C. S. Water Company, Inc. (CSW or Utility) filed an application with this Commission for amendment of Water Certificate No. 235-W to include territory that is currently being served in Pasco and Hillsborough Counties, which is outside of its certificated service area. During a recent rate case (Docket No. 900238-WU), we became aware that the Utility has been serving approximately 30 connections in this area since 1986.

Upon being advised that it was serving outside of its territory, CSW filed an application for amendment of its certificate to include the additional territory. We will not penalize CSW for serving outside of its territory since it immediately filed its application upon learning that it was in violation of Section 367.045, Florida Statutes, which requires utilities to obtain approval prior to extending service.

Application

Except as discussed previously, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains:

DOCUMENT NUMBER-DATE

02658 APR 17 1991

FILED-RECORDS/REPORTING

1. A filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate territory and systems maps and a territory description, as prescribed by Rule 25-30.035(3)(h) and (i), Florida Administrative Code. The territory which CSW proposes to serve is described in Attachment A of this Order.
3. Evidence that the Utility owns the land upon which its facilities are located, as required by Rule 25-30.035(3)(f), Florida Administrative Code.
4. Proof of notice to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory to be served, and proof of advertisement in a newspaper of general circulation in Pasco and Hillsborough Counties, as prescribed by Rule 25-30.030, Florida Administrative Code.

No objections to the application have been received and the time for filing such has expired.

Although CSW is currently providing service to the requested territory, there has been no impact on the quality of service to the customers located within the certificated territory. Field inspections conducted during recent rate cases, indicate that CSW's water treatment plant and distribution system are operating properly. In addition, CSW is in compliance with the Department of Environmental Regulation's requirements.

The additional territory is adjacent to CSW's certificated territory; there are no other utilities in the area which could reasonably provide service. The lines have been installed and no additional financing is necessary.

It should be noted that a portion of the territory is located in Hillsborough County, which is not under Commission jurisdiction. However, Section 367.171(7), Florida Statutes, gives the Commission jurisdiction over utility systems whose service transverses county boundaries. We, therefore, have jurisdiction over that portion of the additional territory which CSW is serving in Hillsborough County.

Based on the foregoing, we find that it is in the public interest to grant CSW's request to amend Certificate No. 235-W to include the territory in Pasco and Hillsborough Counties described in Attachment A of this Order. CSW has been unable to locate the original Certificate; therefore, we will reissue the Certificate reflecting the additional territory. CSW has filed tariff sheets reflecting the territory.

Rates and Charges

CSW's current rates and charges were approved in Order No. 23853, Docket No. 900238-WU. The rates became effective on March 1, 1991. CSW shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 235-W, held by C. S. Water Company, Inc., 40 Ranch Road, Thonotosassa, Florida 33592, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in the C. S. Water Company, Inc.'s tariff. It is further

ORDERED that Docket No. 900805-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th day of APRIL, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

ATTACHMENT A

C. S. WATER COMPANY, INC.

In Township 26 South, Range 21 East, Pasco County, Florida

Section 35

The North 880 feet; and

The South 2120 feet of the West 3480 feet.

Section 36

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the
NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and

The West 2475 feet of the South 2120 feet in the SW $\frac{1}{4}$
of Section 36.

In Township 27 South, Range 21 East, Hillsborough County, Florida

The North $\frac{1}{2}$ of Section 2 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$
of Section 3.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of C. S. Water Company, Inc. from Robert Thomas to Clyde and Judith Biston in Hillsborough and Pasco Counties.)	DOCKET NO. 910593-WU
)	ORDER NO. 25026
)	ISSUED: 9/9/91
)	
)	

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER APPROVING TRANSFER

BY THE COMMISSION:

Background

On May 3, 1991, an application was filed with the Commission requesting approval of the transfer of majority organizational control of C. S. Water Company, Inc. (C. S. or Utility) from Robert Thomas to Clyde and Judith Biston. The sale of the stock of C. S. to the Bistons on May 3, 1991, was contingent upon Commission approval of the transfer. C. S. currently provides water service to 283 homes, Two Rivers Ranch and Crystal Springs Recreational Park in Crystal Rivers, Florida.

Application

The application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules, except for Rule 25-30.037(1)(o), Florida Administrative Code. That Rule requires a utility to provide proof that it owns the land upon which its facilities are located. A fee simple deed was provided with the application in the name of the Utility to show ownership of the land upon which the facilities are located. However, the Utility did not provide title insurance. At the August 27, 1991 Commission Agenda Conference, the Commission found that C. S. should be directed to file title insurance in the name of the Utility within 30 days of the Order issued in this Docket. Subsequent thereto, title insurance was filed in the name of C. S. Water Company, Inc.

The application, which is now complete, contains a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida

DOCUMENT NUMBER-DATE

03929 SEP -9 1991

FPSC-RECORDS/REPORTING

Administrative Code. In addition, the application contains proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers of the system. No objections to the transfer have been received and the time for filing such has expired.

Mr. Biston agreed to purchase the stock of C. S. for \$150,000. Mr. Biston will make a \$30,000 down payment and pay the balance of \$120,000 over 3 years at the interest rate of 10%. Mr. Biston is aware that although he is purchasing the stock for \$150,000, he will only be allowed to earn a return on the Utility's rate base of \$23,395, established as of April 30, 1990.

Mr. Biston does not have any experience in water utility operations. Therefore, Mr. Biston has retained the services of a certified plant operator, Mr. Jerry Williams, to operate the system until he is certified. In addition, according to the Department of Environmental Regulation, there are not outstanding violations against the Utility.

Based on the above information, we find that the transfer of majority organizational control of C. S. from Robert Thomas to Clyde and Judith Biston is in the public interest and it is approved. Certificate No. 235-W has been returned to the Commission for entry reflecting the transfer. Revised tariff sheets have also been filed reflecting the transfer.

Rate Base

The sale of stock of C. S. will not alter the Utility's asset and liability accounts. Accordingly, the transfer of stock ownership will not change the rate base, established by the Commission in Docket No. 900238-WU by Order No. 23853, effective January 2, 1991. Therefore, rate base is not being established in this Docket.

Rates and Charges

Rule 25-9.044(1), Florida Administrative Code, requires the new owner of a utility to adopt and use the rates, classification and regulations of the former operating company unless authorized to change by the Commission. Mr. Biston has not requested a change in the rates and charges of C. S. and we see no reason to change them at this time. C. S. is directed to continue charging the

ORDER NO. 25026
DOCKET NO. 910593-WU
Page 3

rates and charges approved in its tariff until authorized to change by the Commission.

C. S. has filed revised tariff sheets reflecting the change in issuing officer due to the transfer of majority organizational control. The tariff filing shall be effective for service provided or connections made after the stamped approval date on the tariff sheets.

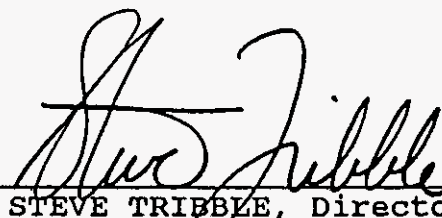
It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of majority organizational control of C. S. Water Company, Inc. from Robert Thomas, 40 Ranch Road, Thonotosassa, Florida 33592, to Clyde and Judith Biston, 39200 Bay Avenue, Post Office Box 3000, Crystal Springs, Florida 33524, is hereby approved. It is further

ORDERED that C. S. Water Company, Inc. shall continue to charge the rates and charges approved in its tariff until authorized to change by the Commission. The tariff sheets shall be effective for service provided or connections made after the approval date on the tariff sheets. It is further

ORDERED that Docket No. 910593-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 9th
day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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.

ORDER NO. 25026
DOCKET NO. 910593-WU
Page 5

ATTACHMENT A

C. S. Water Company, Inc.

TERRITORY DESCRIPTION

In Township 26 South, Range 21 East, Pasco County, Florida.
All of Section 35 and all of Section 36.

In Township 27 South, Range 21 East, Hillsborough County,
Florida, North 1/2 of Section 2 and the NE 1/4 of the NE 1/4
of Section 3.