

**Diamond Williams**

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**From:** Linda Strumski [lstrumski@pascocountyfl.net]  
**Sent:** Wednesday, July 13, 2011 12:09 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Joseph Richards; 'Michael.Cooke@Ruden.com'; 'KELLY.JR@leg.state.fl.us'; Anna Norris; 'mdavis@bmlaw.com'  
**Subject:** HV Utility Systems Docket No: 110022  
**Attachments:** Pasco Objection Petition Docket 110022.pdf

## A. Person responsible for this electronic filing:

Linda Strumski on behalf of  
 Joseph D. Richards, Esquire  
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## B. Docket No. 110022

Title: PASCO COUNTY'S OBJECTION TO THE PROPOSED UTILITY AND PETITION FOR FORMAL ADMINISTRATIVE HEARING

## C. Document being filed on behalf of:

Pasco County Board of County Commissioners

## D. There are a total of 9 pages.

## E. The document attached is Pasco County's Objection to HV Utility Systems, LLC's Application and Petition for Formal Administrative Hearing in Docket No.: 110022.

Linda Strumski  
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7/13/2011



***"Bringing Opportunities Home"***

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7/13/2011

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STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

In re: Application of HV Utility Systems, LLC,  
to operate a Water Utility  
in Pasco County, Florida

PSC Docket No. 110022

**PASCO COUNTY'S OBJECTION TO THE PROPOSED UTILITY AND  
PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Petitioner, Pasco County (hereinafter "Pasco"), by and through undersigned counsel, hereby files this Objection to the Application of HV Utility Systems, LLC, to operate a Water and Wastewater Utility in Pasco County, Florida, (the "Application") and this Petition for Formal Administrative Hearing pursuant to Rule 25-30.031, Florida Administrative Code and sections 120.569, 120.57 and 367.045, Florida Statutes, and as grounds therefore states the following:

1. On June 10, 2011, HV Utility, LLC, provided legal notice of its application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges. Pasco received the notice via US Mail on June 14, 2011. A copy of the notice is attached as Exhibit A.

2. Pasco is a Florida political subdivision, which is charged with the power and duty, among other things, to prepare and enforce comprehensive plans for the development of the county, and to provide and regulate water supplies and sewage disposal, pursuant to Chapter 125, Florida Statutes. Pasco also operates a consolidated water, wastewater and reclaimed water utility throughout Pasco County, Florida (hereinafter referred to as "Pasco County Utilities" or "PCU").

3. HV Utility proposes to establish a water and wastewater utility in Pasco County in direct conflict with the Pasco County Comprehensive Plan, the Pasco County Code of Ordinances and the PCU Capital Improvement Plan.

4. There are numerous issues of disputed fact and Pasco County objects to certification

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of HV Utility for the following reasons:

a. The proposed provision of utility service is inconsistent with the policies and objectives of the Pasco County Comprehensive Plan including but not limited to the section referenced below. The Comprehensive Plan encourages the purchase of private utilities and their conversion to publicly operated utilities, not the creation of new private utilities. (WAT 2.2.4).<sup>1</sup> HV Utility's proposal is contrary to the County policy to replace package plants with regional wastewater treatment plants. (SEW 3.2.1)

b. PCU maintains an existing water and wastewater facilities as part of its system approximately 2,300 feet from the proposed area. These facilities could be extended to provide service to proposed service area. Furthermore, Pasco has established as its service territory the entire unincorporated area of the County not currently served by a legally existing private utility and by a Municipality pursuant to an interlocal agreement with the County. *See*, § 110-28, Pasco County Code. Pasco County does have an agreement with the City of New Port Richey allowing the City to provide service to designated parts of unincorporated Pasco County, including the area proposed to be served by HV Utility. In the event the City does provide service within its designated area, the County can provide service pursuant to the interlocal agreement. Accordingly, HV Utility's proposed service will be in competition with, or a duplication of, the PCU or City systems. Pasco has not received a service request from any property in HV Utility's proposed service area.

c. The Applicant does not have the technical ability to provide service. The application contains no information on the corporate structure, personnel or capabilities of HV Utility Systems, LLC. Contracting with a utility operator will serve to increase the cost of service contrary to the public interest.

d. It is a disputed fact whether the Application complies with Florida Administrative Code Rule 25-30.033.

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<sup>1</sup> Citations are to the June 2006, Pasco County Comprehensive Plan (PCP), relevant portions of which are attached hereto as Exhibit B.

e. It is a disputed fact whether HV Utility is otherwise entitled to approval of the Application pursuant to Chapter 367, Florida Statutes and Florida Administrative Code Chapter 25-30.

f. It is a disputed fact whether HV Utility has the permitted water capacity or treatment plant capacity to meet the needs of the area.

5. HV Utility has not demonstrated that it has the financial ability to operate a utility.

6. HV Utility has not demonstrated that it has the long-term continuous use of the land upon which the water facilities are located.

7. The proposed certificate, if granted, would adversely impact the County and its ability to effectively and efficiently expand and implement its water and wastewater services within the county.

8. It appears that the wastewater for the area is treated by an on-site package plant. Disputed facts exist as to who will operate that plant and how that will impact the water service operations.

9. It is disputed as to whether the requested certificate is in the public interest. This area has received water service for a number of years from on-site wells and it is not clear as to why a certificated utility is now needed.

10. The proposed certificate, if granted, will result in private water utility service to County citizens that will likely be increasingly more costly than service that could be provided by Pasco County Utilities or the City of New Port Richey.

11. The proposed utility does not meet the requirements of section 367.045, Florida Statutes, because the applicant has not proven its ability to provide service, or the nonexistence of service from other sources. The proposed utility does not meet the requirements of Rule 25-30.033(1), Florida Administrative Code, because the proposal is not consistent with the Pasco County Comprehensive Plan, the applicant has not demonstrated the financial or technical ability

to provide service, the proposed service is not in the public interest, the applicant does not have an adequate agreement for continued use of the land upon which its facilities are to located.

12. Pasco County hereby incorporates by reference, as if fully set forth herein, all objections timely raised by New Port Richey in this matter to the extent applicable to Pasco County.

WHEREFORE, Petitioner, Pasco County respectfully requests that the HV Utility, LLC, application for Original Certificates for Proposed Water System and Request for Initial Rates and Charges be denied.

Respectfully submitted this 13th day of July, 2011,



Joseph D. Richards (FBN 777404)  
Senior Assistant County Attorney  
Pasco County Attorney's Office  
8731 Citizens Drive, Suite 340  
New Port Richey, Florida 34654  
Counsel for Pasco County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail to the following on this 13 day of July 2011:

Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(via e-filing: filings@psc.state.fl.us)

Anna Norris  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(via e-mail: anwillia@psc.state.fl.us)

HV Utility Systems, LLC  
c/o Equity Lifestyle Properties, Inc.  
Hacienda Village Mobile Home park  
7107 Gibraltar Avenue  
New Port Richey, Fl 33637  
Via regular mail to above address and  
Facsimile to 813-289-7628

J.R. Kelly, Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
KELLY.JR@leg.state.fl.us

  
\_\_\_\_\_  
Joseph D. Richards

APPLICATION FOR ORIGINAL CERTIFICATE  
(FOR A PROPOSED OR EXISTING SYSTEM REQUESTING  
INITIAL RATES AND CHARGES)

(Section 367.045, Florida Statutes)

**RECEIVED**

JUN 14 2011

LEGAL NOTICE

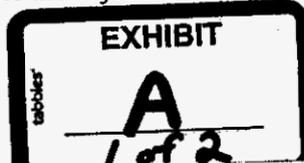
Pasco Co. Attorney Office

Notice is hereby given on June 10, 2011, pursuant to Section 367.045, Florida Statutes, of the application of HV Utility Systems, L.L.C., to operate a water utility to provide service to the following described territory in Pasco County, Florida.

A PARCEL OF LAND LYING AND BEING IN THE SOUTH ONE HALF OF SECTION 3, TOWNSHIP 26 SOUTH, RANGE 16 EAST, SAID LANDS LYING AND BEING IN PASCO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE N89°38'46"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 3 A DISTANCE OF 1780.46 FEET; THENCE N00°29'16"E A DISTANCE OF 398.00 FEET; THENCE N89°32'38"W A DISTANCE OF 308.26 FEET TO THE EAST RIGHT OF WAY LINE OF ROWAN ROAD; THENCE N18°44'48"W ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 165.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 830.00 FEET AND A CENTRAL ANGLE OF 08°31'42"; THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 123.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N27°16'30"W A DISTANCE OF 366.71 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE S89°34'20"E A DISTANCE OF 3248.57 FEET TO THE WEST LINE OF CYPRESS KNOLLS SUBDIVISION AS RECORDED IN PLAT BOOK 15, PAGE 46 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE S00°26'03"W ALONG SAID WEST LINE OF CYPRESS KNOLLS SUBDIVISION A DISTANCE OF 988.85 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3; THENCE N89°38'46"W ALONG SAID SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3 A DISTANCE OF 886.26 FEET TO THE POINT OF BEGINNING. CONTAINS 66.55 ACRES MORE OR LESS.

Any objection to the said application must be made in writing and filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.



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Hacienda Village

HV Utility Systems, L.L.C.  
c/o Equity Lifestyle Properties, Inc.  
Hacienda Village Mobile Home Park  
7107 Gibraltar Avenue  
New Port Richey, Florida 33637



**POLICY WAT 2.2.4: PUBLIC ACQUISITION OF PRIVATE UTILITIES**

Pasco County shall continue to assess the public acquisition of individual private utilities as a part of its utilities service programs.

**OBJECTIVE WAT 2.3: SYSTEM MAINTENANCE**

Maintain, repair, and replace water-system components on a regularly scheduled basis.

**POLICY WAT 2.3.1: RECORDS AND PROCEDURES FOR REPAIRS**

Pasco County shall maintain records and procedures for identifying needed repairs, their cost, and subsequent implementation.

**POLICY WAT 2.3.2: METER FOR BILLING PURPOSES**

Pasco County shall meter all existing and future water customers for billing purposes.

**POLICY WAT 2.3.3: RATE SCHEDULE FOR SERVICE**

Pasco County shall maintain a rate schedule based upon the cost of providing service and adjust rates and fees periodically to ensure that water revenues are sufficient to finance future expansion, repair, and replacement.

**OBJECTIVE WAT 2.4: EMPLOYMENT CENTERS**

To support and reinforce the County's economic-development objectives related to the creation of employment centers through the provision of public utilities.

**POLICY WAT 2.4.1: PROVISION OF POTABLE-WATER SERVICES FOR INDUSTRIAL AND EMPLOYMENT CENTER LAND USES**

Pasco County shall evaluate whether potable-water services are available or whether additional potable-water improvements are necessary in order to support the desired location of industrial land uses and employment center land uses. As a part of this evaluation, the County shall identify and discretely map industrial and employment center land uses on the Future Land Use Map.

**POLICY WAT 2.4.2: CENTRAL WATER IN EMPLOYMENT CENTER AREAS**

The County shall place a high priority on providing central water improvements to EC (Employment Center) Future Land Use areas.

**OBJECTIVE WAT 2.5: INTERGOVERNMENTAL COORDINATION**

Coordinate all utility- and transportation-planning efforts to take advantage of the most economical construction and maintenance costs possible when installing utility lines, roads, and water lines.



## 2025 COMPREHENSIVE PLAN PASCO COUNTY, FLORIDA

system. In areas designated as RES-1 (Residential - 1 du/ga), permit the installation of a central wastewater-treatment plant only when the proposed service is consistent with the approved Pasco County Utilities Capital Improvement Plan.

### **POLICY SEW 3.1.8: PROVISION FOR SEPTIC-TANK LOCATION**

Pasco County shall allow individual (septic tanks) wastewater-disposal systems where central systems are neither required nor available provided that soil conditions are acceptable and environmental impacts are negligible.

### **POLICY SEW 3.1.9: LOCATION AND CONSTRUCTION OF SEWAGE TREATMENT AND DISPOSAL SYSTEMS**

Pasco County shall require that all sewage treatment and disposal systems be located and constructed in a manner consistent with all applicable local, State, and Federal regulations, including the applicable Goals, Objectives, and Policies and Level of Service standards contained in this Comprehensive Plan.

### **POLICY SEW 3.1.10: REQUIREMENT FOR TREATMENT OF EFFLUENT**

Pasco County shall require all uses that generate wastewater which exceeds effluent standards set forth in Chapter 110 of the County Code of Ordinances to pretreat the effluent to Pasco County standards and dispose of via a public sewer system.

### **POLICY SEW 3.1.11: CONNECTION OF CENTRAL SEWER FACILITIES TO SUBREGIONAL SYSTEMS**

Pasco County shall require connection of all central sewer facilities to regional systems.

## **OBJECTIVE SEW 3.2: SUBREGIONALIZATION**

Continue development of a Countywide network of regional wastewater-treatment plants to include other municipal and local governments principally servicing areas designated on the Future Land Use Map as RES-3 (Residential - 3 du/ga) or higher and selected areas within other land use classifications.

### **POLICY SEW 3.2.1: REGIONAL SEWAGE-TREATMENT PLANTS**

Pasco County shall replace smaller package plants with regional sewage-treatment plants (or enlarge existing plants) by 2025.

### **POLICY SEW 3.2.2: INTERLOCAL AGREEMENTS: MUNICIPAL BOUNDARIES FOR SANITARY-SEWER SERVICE**

Pasco County shall maintain and update Interlocal Agreements recognizing the municipal service area for sanitary-sewer service.

