

**Diamond Williams**

110298-SU

**From:** Sheila Stanbro [sstanbro@co.volusia.fl.us]  
**Sent:** Monday, November 28, 2011 4:59 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Derrill McAteer; Jamie Seaman  
**Subject:** Objection for Wastewater Certificate Docket No: 11-0298  
**Attachments:** wastewater objection.pdf



wastewater  
objection.pdf (26 kb)

Attached for filing:

a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

Jamie Seaman, Esq.  
Derrill L. McAteer, Esq.  
County of Volusia  
123 W. Indiana Avenue  
Deland, FL 32720  
jseaman@co.volusia.fl.us  
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b. The docket number and title if filed in an existing docket:

County of Volusia's Objection to Application for Original Wastewater Certificate (Document Number 07914-11, Dated October 27, 2011, Florida Public Service Commission Clerk) and County of Volusia's Petition for Administrative Hearing, Docket No: 11-0298

c. The name of the party on whose behalf the document is filed:

County of Volusia

d. The total number of pages in each attached document:

52

and

e. A brief but complete description of each attached document:

The County's objection to Farmton Water Resources LLC's Application for a Wastewater Certificate along with Exhibit A, a composite of Ordinance 2009-34 and Ordinance 2011-10, The Farmton Local Plan

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DOCUMENT NUMBER-DATE

08655 NOV 28 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Farnton Water )  
Resources, LLC to operate wastewater )  
service in Volusia and Brevard )  
Counties, Florida )

110298-50 - PM  
DOCKET NO. 11-0298

**COUNTY OF VOLUSIA'S OBJECTION TO APPLICATION FOR ORIGINAL  
WASTEWATER CERTIFICATE (DOCUMENT NUMBER 07914-11, DATED OCTOBER  
27, 2011, FLORIDA PUBLIC SERVICE COMMISSION CLERK);  
AND  
COUNTY OF VOLUSIA'S PETITION FOR ADMINISTRATIVE HEARING**

Pursuant to Rule 25-30.031 of the Florida Administrative Code and Sections 120.569, 120.57 and 367.045, Florida Statutes (2011), the County of Volusia objects to the Notice for an Initial Certificate of Authorization for Wastewater Certificate (Document Number 07982-11, dated October 28, 2011, Florida Public Service Commission Clerk) and to the Application for Original Wastewater Certificate (Document Number 07914-11, dated October 27, 2011, Florida Public Service Commission Clerk) filed by Farnton Water Resources, LLC, (hereafter respectively referred to as the Farnton Notice and Farnton Application) and requests an administrative hearing and says in support thereof:

**OBJECTION TO FARMTON NOTICE AND FARMTON APPLICATION**

1. The County of Volusia is a body corporate and politic and is a duly organized political subdivision of the State of Florida. The County of Volusia has a substantial interest in the outcome of this application as more particularly set forth herein.

2. The County of Volusia objects to the Farmton Application as there is no immediate or imminent need for central wastewater service in the proposed Volusia County service area. The Farmton Local Plan was adopted by the County of Volusia on April 7, 2011. A copy of the Farmton Local Plan is attached hereto as Exhibit "A" and incorporated as if fully stated herein. The Farmton Local Plan states that "no building permit shall be issued for new development within the SDA (Sustainable Development Area) districts within five (5) years of the effective date of the Farmton Local Plan." Moreover, no development may occur outside the Gateway District of the Farmton Plan until 2025. The Gateway District is not included in the legal description of the lands subject to the Farmton Application. However, the Farmton Application legal description does erroneously include thousands of acres of land that is subject to permanent preservation under the Farmton Local Plan's GreenKey land use designation. This acreage will never need wastewater service. Thus, the Farmton Application is, at best, extremely premature and inconsistent with the Farmton Local Plan and the five year review provisions of Section 367.111(1), Florida Statutes.

3. The County of Volusia objects to the Farmton Application as Farmton Water Resources, LLC does not have the technical ability to provide service. The applicant only holds a single certificate for a potable water utility and is not a retail wastewater utility service provider. The applicant employs no individuals capable of operating or offering consultation on the operation of wastewater transportation and treatment operations. Contracting with a utility operator will serve to increase the cost of service, which is contrary to the public interest.

4. The County of Volusia further objects to the Farnton Application on the basis that the proposed wastewater certificate, if granted, would adversely impact the County and its ability to effectively expand and implement its wastewater services within the County.

5. The County of Volusia further objects to the Farnton Application for Wastewater Certificate on the basis that 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, the need for service or the nonexistence of service from other sources.

#### **PETITION FOR ADMINISTRATIVE HEARING**

Pursuant to Sections 120.569, 120.57 and 367.045(4), Florida Statutes (2011), Volusia County requests a hearing on the objection stated herein. The County of Volusia incorporates herein paragraphs 1 through 5 .

WHEREFORE, Volusia County requests a hearing pursuant to Sections 120.569, 120.57(1), and 367.045, Florida Statutes 2011 and denial of Farnton's Application.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that an original hereof have been served by Federal Express upon Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 and one copy upon F. Marshall Deterding, Rose Sundstrum & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301 on November 28, 2011.

Respectfully submitted this 28th day of November, 2011.

/s/ Jamie Seaman

JAMIE SEAMAN, ESQ.  
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