

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: August 24, 2017

TO: Office of Commission Clerk (Stauffer)

FROM: Division of Engineering (M. Watts, King) *MWA*
Office of the General Counsel (Janjic) *TS*

RE: Docket No. 20170171-WS – Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.

AGENDA: 09/07/17 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

On June 20, 2017, the Board of County Commissioners of Leon County (County) passed and adopted Resolution No. R17-12 (Resolution, Attachment A), transferring regulation of the privately-owned, for profit water and wastewater utilities in the County to the Florida Public Service Commission (Commission). Effective upon the adoption of the resolution, all non-exempt water and wastewater systems in the County became subject to the provisions of Chapter 367, Florida Statutes (F.S.). Therefore, the effective date of the transfer of jurisdiction is June 20, 2017. This recommendation addresses the acknowledgement of that Resolution. The Commission has jurisdiction pursuant to Section 367.171, F.S.

Discussion of Issues

Issue 1: Should the Commission acknowledge Resolution No. R17-12 by the Board of County Commissioners of Leon County?

Recommendation: Yes. The Commission should acknowledge Resolution No. R17-12 by the County Commissioners of Leon County, effective June 20, 2017. All non-exempt, privately-owned water and wastewater utilities in Leon County should be directed to comply with the provisions of Chapter 367, F.S. (M. Watts, Janjic)

Staff Analysis: On June 20, 2017, the Board of County Commissioners of Leon County passed and adopted Resolution No. R17-12, which transfers jurisdiction over the County's privately-owned water and wastewater utilities to the Commission. The Resolution contained a list of the privately-owned water and wastewater utilities, which were regulated by Leon County on June 20, 2017. In addition, staff has contacted the County requesting information on each utility's current rates, charges, and territory served. Since they are now subject to Chapter 367, F.S., each utility must continue to collect the rates and charges for water and wastewater service, which were being collected on June 20, 2017, until changed by the Commission.

Staff has contacted the Florida Department of Environment Protection (DEP) to advise it of the Resolution, and to obtain a list of all privately-owned water and wastewater facilities in Leon County, which the DEP monitors for environmental compliance. The utilities identified by the County and the DEP will receive a letter from Commission staff 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.

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 2017, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit Annual Regulatory Assessment Fees (RAFs) effective the date a certificate is issued 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. Seminole Waterworks, Inc., one of the utilities now subject to the Commission's jurisdiction, filed for a grandfather certificate and pass-through RAFs in Docket No. 20170155-WU, *In re: Application for grandfather water certificate in Leon County and application for pass through increase of regulatory assessment fees, by Seminole Waterworks, Inc.*

Staff recommends that the Commission acknowledge Resolution No. R17-12 by the County Commissioners of Leon County, effective June 20, 2017. All non-exempt, privately-owned water and wastewater utilities in Leon County should be directed to comply with the provisions of Chapter 367, F.S.

Issue 2: Should this docket be closed?

Recommendation: Since there are no pending issues in this docket, the docket should be closed upon the issuance of a final order. (Janjic)

Staff Analysis: Since there are no pending issues in this docket, the docket should be closed upon the issuance of a final order.



Leon County

Board of County Commissioners

501 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountylfl.gov

FILED 7/19/2017
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FPSC - COMMISSION CLERK

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District 5
MARY ANN LINDLEY
At-Large
VINCENT S. LONG
County Administrator
HERBERT W.A. THIELE
County Attorney

July 13, 2017

Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Ms. Stauffer, in accordance with Section 367.171, Florida Statutes, Leon County is invoking the jurisdiction of the Florida Public Service Commission over water and wastewater systems. As a charter county, Leon County retained its regulatory authority over water and wastewater systems when the Public Service Commission was created. However, the Board of County Commissioners has determined that it is in the best interest of Leon County that water and wastewater systems be regulated by the Public Service Commission, which has adequate resources to regulate those systems.

On June 20, 2017, the Leon County Board of County Commissioners passed a resolution transferring its regulatory power over water and wastewater systems to the Florida Public Service Commission. Enclosed you will find a certified copy of the Board's Resolution to the Public Service Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent S. Long".

Vincent S. Long
County Administrator

CC:
Herb Thiele, County Attorney, Leon County
Scott Ross, Director, Leon County Office of Financial Stewardship
Tony Park, Director, Leon County Department of Public Works

RECEIVED-FPSC
2017 JUL 19 AM 8:25
COMMISSION
CLERK

RESOLUTION NO. R17- 12

A RESOLUTION OF THE LEON COUNTY BOARD OF COUNTY COMMISSIONERS INVOKING THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION OVER WATER AND WASTEWATER SYSTEMS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Leon County Board of County Commissioners (the "Board") currently regulates water and wastewater systems under its authority as a charter county and Chapter 367, Florida Statutes; and

WHEREAS, Chapter 367, Florida Statutes, details the procedure by which the County may transfer this regulatory power to the Public Service Commission for a minimum period of 10 years; and

WHEREAS, the Board has determined that it is in the best interest of Leon County that water and wastewater systems be regulated by the Public Service Commission, which has adequate resources to regulate those systems; and

WHEREAS, pursuant to Section 125.66, Florida Statutes (2016), the Board has advertised a public hearing to review the transfer of regulatory jurisdiction of water and wastewater systems to the Public Service Commission;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. The Board hereby invokes the jurisdiction of the Florida Public Service Commission pursuant to Section 367.171, Florida Statutes, effective immediately.
2. The County Administrator shall immediately notify and provide a certified copy of this Resolution to the Public Service Commission.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on
this the 20th day of June, 2017.

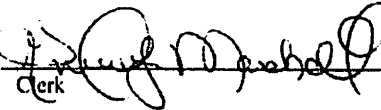
LEON COUNTY, FLORIDA



BY: 
John E. Dailey, Chairman
Board of County Commissioners

ATTEST:

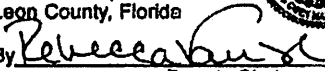
GWENDOLYN MARSHALL, CLERK OF
COURT AND COMPTROLLER
LEON COUNTY, FLORIDA

BY: 
Clerk


A Certified Copy
Attest:

Gwendolyn Marshall
Clerk & Comptroller
Leon County, Florida



By: 
Deputy Clerk

APPROVED AS TO FORM:
OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

BY: 
Herbert W.A. Thiele
County Attorney