

FLORIDA PUBLIC SERVICE COMMISSION

Item 5

VOTE SHEET

May 3, 2022

FILED 5/3/2022  
DOCUMENT NO. 02775-2022  
FPSC - COMMISSION CLERK

**Docket No. 20190168-WS** – Application for water and wastewater service in Duval, Baker, and Nassau Counties, by First Coast Regional Utilities, Inc.

**Issue 1:** Has FCRU met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, F.A.C.?

**Approved Type II Stipulation:** Yes. FCRU has met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, F.A.C.

**APPROVED**

**Issue 2:** Is there a need for service in FCRU’s proposed service territory and, if so, when will service be required?

**Recommendation:** Yes. There is a need for service. Phase I of the development will require water and wastewater service within 30 months of certification.

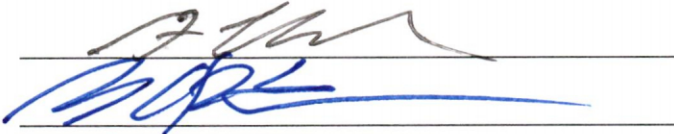
**APPROVED**


**COMMISSIONERS ASSIGNED:** Graham, Clark, La Rosa

**COMMISSIONERS’ SIGNATURES**

**MAJORITY**

**DISSENTING**

  
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**REMARKS/DISSENTING COMMENTS:**

*Commissioner Graham dissents.*

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**Issue 3:** Is FCRU’s application inconsistent with Duval County’s, Nassau County’s, or Baker County’s comprehensive plans?

**Recommendation:** FCRU’s application is consistent with the Nassau County comprehensive plan; it may not be consistent with the Baker and Duval County comprehensive plans. However, Section 367.011, F.S., gives the Commission exclusive jurisdiction over this matter and Section 367.045(5)(b), F.S., states the Commission shall consider, but is not bound by, the local comprehensive plans. In addition, it does not appear that granting FCRU a certificate would deprive the counties of their ability to control development under their comprehensive plans or ordinances. Accordingly, staff recommends that the perceived inconsistencies should not cause the Commission to deny FCRU’s application.

**APPROVED**

**Issue 4:** Will the certification of FCRU result in the creation of a utility which will be in competition with, or duplication of, any other system?

**Recommendation:** No. The proposed service area is undeveloped land with no water or wastewater service being provided and no existing service lines or facilities in place.

**APPROVED**

**Issue 5:** Does FCRU have the financial ability to serve the requested territory?

**Recommendation:** Yes. The Utility has the financial ability to service the requested territory.

**APPROVED**

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**Issue 6:** Does FCRU have the technical ability to serve the requested territory?

**Recommendation:** Yes. FCRU has met the requirements of the rule demonstrating that, with the retention of outside professionals for the construction and operation of its systems, it has the technical ability to serve the requested territory.

**APPROVED**

**Issue 7:** Does FCRU have sufficient plant capacity to serve the requested territory?

**Recommendation:** Yes. The evidence in the record demonstrates that FCRU has properly planned for the estimated needs of the proposed service area.

**APPROVED**

**Issue 8:** Has FCRU provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?

**Approved Type II Stipulation:** Yes. FCRU provided a copy of the unrecorded Specialty Warranty Deed, between FCRU and 301 Capital Partners, LLC, the current landowners, as evidence that it will have continued use of the land upon which utility treatment facilities will be located. If the certificate is granted, FCRU should provide a copy of the recorded instrument within 60 days of the Commission's vote.

**APPROVED**

**Issue 9:** Is it in the public interest for FCRU to be granted water and wastewater certificates for the territory proposed in its application?

**Recommendation:** Yes. Based on the recommendations in Issues 1 through 8, it is in the public interest to grant FCRU Certificate No. 680-W to provide water service and Certificate No. 578-S to provide wastewater service to the territory described in Attachment A of staff's memorandum dated April 21, 2022.

**APPROVED**

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**Issue 10:** What is the appropriate return on equity for FCRU?

**Approved Type II Stipulation:** The appropriate return on equity is 8.12 percent with a range of plus or minus 100 basis points.

**APPROVED**

**Issue 11:**

What are the appropriate rates and rate structures for the water and wastewater systems for FCRU?

**Recommendation:** In accordance with staff's recommended revenue requirement, the appropriate water and wastewater rates and rate structures shown on Schedule Nos. 4-A and 4-B of staff's memorandum dated April 21, 2022, are reasonable and should be approved. The rates should be effective for services rendered or connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C. The Utility should be required to charge the approved rates until authorized to change them by the Commission in a subsequent proceeding.

**APPROVED**

**Issue 12:** What are the appropriate miscellaneous service charges for FCRU?

**Approved Type II Stipulation:** Pursuant to Rule 25-30.460, F.A.C., the appropriate miscellaneous service charges for FCRU should be a premise visit charge of \$30, and violation reconnection charge at actual cost.

**APPROVED**

**Issue 13:** What is the appropriate late payment charge for FCRU?

**Approved Type II Stipulation:** The appropriate late payment charge should be \$7.50.

**APPROVED**

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**Issue 14:** What are the appropriate Non-Sufficient Funds (NSF) charges for FCRU?

**Approved Type II Stipulation:** The NSF charge for FCRU should be prescribed as in Section 68.065(2), F.S.

**APPROVED**

**Issue 15:** What are the appropriate service availability charges for FCRU?

**Recommendation:** The appropriate service availability charges are shown on Schedule No. 5 of staff's memorandum dated April 21, 2022 and should be approved. The Utility's proposed service availability policy should be revised to reflect that the charges are appropriate when the Utility installs the facilities. The approved charges and policy should be effective for connections made on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. FCRU should be required to collect its approved service availability charges until authorized to change them by the Commission in a subsequent proceeding.

**APPROVED**

**Issue 16:** What are the appropriate initial customer deposits for FCRU?

**Approved Type II Stipulation:** The appropriate customer deposits for FCRU should reflect an average of two months service for residential customers with a 5/8 inch x 3/4 inch meter and two times the average customer bill for all other meter sizes.

**APPROVED**

**Issue 17:** Should this docket be closed?

**Recommendation:** This docket should be closed.

**APPROVED**