

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-**

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**DATE:** May 23, 2024

**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

**FROM:** Melinda H. Watts, Engineering Specialist IV, Division of Engineering *MW LK*

**RE:** Docket No. 20240089-WS - Resolution of the Board of County Commissioners of Columbia County declaring Columbia County subject of the provisions of Section 367, F.S.

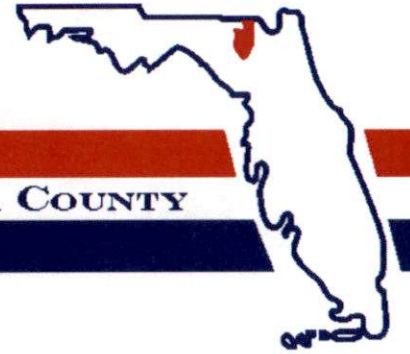
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Please file the attached email regarding "Columbia County Board of County Commissioners Resolution" under the "Documents" tab in the above-mentioned docket file.

MW/da

Attachment

District No. 1 - Ronald Williams  
District No. 2 - Rocky Ford  
District No. 3 - Robby Hollingsworth  
District No. 4 – Everett Phillips  
District No. 5 - Tim Murphy



**BOARD OF COUNTY COMMISSIONERS • COLUMBIA COUNTY**

May 21, 2024

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Attn: Melinda Watts  
VIA EMAIL: [mwatts@psc.state.fl.us](mailto:mwatts@psc.state.fl.us)

Dear Ms. Watts,

On May 16<sup>th</sup>, 2024, the Board of County Commissioners unanimously voted to adopt Resolution 2024R-13, triggering Ch. 367 here in Columbia County. I have enclosed an executed copy for your reference.

We look forward to working with you for the orderly transfer of jurisdiction for the regulation of Private Water and Wastewater Utilities to the Florida Public Service Commission.

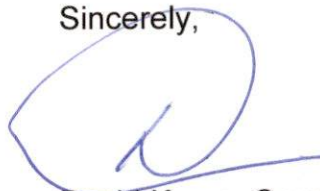
These Private Utilities are currently regulated by the County:

<p><u>OPERATOR:</u> <b>Consolidated Water Works</b> <a href="mailto:consolidatedwatersystems@gmail.com">consolidatedwatersystems@gmail.com</a> P.O. Box 786 Ponchatoula, La 70454 (904)476-7979</p>	<p><u>UTILITIES OPERATED:</u> <b>Azalea Park</b> <b>Shady Oak</b> <b>242 Village</b></p>
<p><u>OPERATOR:</u> <b>Florida Utility Service 1</b> <a href="mailto:Mike@FUS1LLC.com">Mike@FUS1LLC.com</a> 5911 Trouble Creek Rd. New Port Richey, Florida 34652 (727)937-6275</p>	<p><u>UTILITIES OPERATED:</u> <b>College Manor</b> <b>Woodgate Village/ Country Dale</b> <b>Suwannee Valley Utility North</b></p>

<p><u>OPERATOR:</u> Kirby D. Morgan <a href="mailto:pstuart@odommoses.com">pstuart@odommoses.com</a> 276 SE Willow Drive Lake City, Florida 32025 386-752-1231</p>	<p><u>UTILITIES OPERATED:</u> <b>Eastside Village</b></p>
<p><u>OPERATOR:</u> <b>Quail Heights Utilities LLC</b> <a href="mailto:ccarter@quailheightscc.com">ccarter@quailheightscc.com</a> 161 SW Quail Heights Terrace Lake City, Florida 32025 386-365-7097</p>	<p><u>UTILITIES OPERATED:</u> <b>Quail Heights</b></p>

Florida Public Utilities acts as court-appointed receiver for Lance Water, a smaller water utility servicing two residential subdivisions. Following a dispute involving the utility owner, the Suwannee River Water Management District, and the Department of Environmental Protection, the County was required to petition for receivership of Lance Water. Please consult with our County Attorney, Joel Foreman, for more information on this utility.

Sincerely,



David Kraus, County Manager  
Columbia County

Copies via email only:  
Consolidated Water Works  
Florida Utility Service 1  
Quail Heights Utilities LLC

Enclosure as Stated

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**MEMORANDUM**

To: Board Agenda, May 16, 2024

From: Joel F. Foreman

Re: Transfer of jurisdiction for the regulation of Private Water and Wastewater Utilities to the Florida Public Service Commission

Date: May 10, 2024

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In recent months the Board has received numerous complaints relating to water utility rates and collections practices, and staff has recommended returning regulation of these utilities to the Florida Public Service Commission ("PSC") which is better equipped to police and enforce these issues.

The County Manager has been contacted by Bart Fletcher with the Office of Public Counsel. Mr. Fletcher was contacted by a constituent who is having issues with their private utility provider, and through his investigation Mr. Fletcher has inquired about the county's regulation of that utility. Mr. Fletcher has pointed out that utilities regulated by the PSC can be easily reviewed because of the information the PSC requires these utilities to produce and the PSC's publication of that information to its website. The County does not provide this level of transparency. Because of that Mr. Fletcher has been required to make records requests directly to the County Manager's office, often with mixed results.

Florida Statutes section 367.171 provides that any county may transfer regulatory jurisdiction over private utilities to the PSC by the adoption of a simple resolution indicating the county commission's desire to transfer. Once a transfer is completed through this process, it cannot be rescinded for ten years.

Given recent challenges with private utility regulation, it is recommended that the Board adopt the attached resolution, which was modelled after one adopted by Charlotte County in February of 2023. If adopted, staff will coordinate with PSC for the timely handoff of jurisdiction. Each private utility will be required to register with PSC within thirty days, and the County will have no further regulatory authority.

Recommended motion: To adopt Resolution 2024R-13

**COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2024R-13**

**A RESOLUTION BY THE COLUMBIA COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS, RELATING TO REGULATION OF PRIVATE WATER AND WASTEWATER SYSTEM UTILITIES; MADE PURSUANT TO FLORIDA STATUTES SECTION 367.171; DECLARING COLUMBIA COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES; TRANSFERRING REGULATION OF PRIVATE WATER AND WASTEWATER UTILITIES AND RATES TO THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR MAILING A CERTIFIED COPY HEREOF; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Columbia County Board of County Commissioners presently regulates certain private water and wastewater system utilities pursuant to its authority as a charter county and Chapter 367, Florida Statutes, the "Water and Wastewater System Regulatory Law";

WHEREAS, the Columbia County Board of County Commissioners has determined that it is in the best interest of the citizens and residents of Columbia County that private, for-profit water and wastewater systems within Columbia County be regulated by the Florida Public Service Commission ("PSC"), which has jurisdiction and adequate staff to timely analyze utility system rates and enforce the same;

WHEREAS, the Columbia County Board of County Commissioners now desires to transfer the regulation of all private utilities in Columbia County to the PSC, pursuant to Section 367.171(1), Florida Statutes, and thereby make the provisions of Chapter 367 effective in Columbia County, Florida.

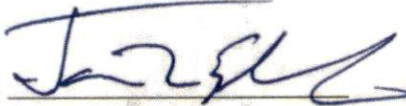
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Columbia County, Florida:

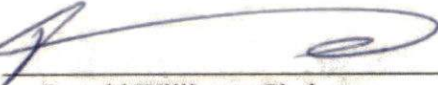
1. Columbia County, Florida, is hereby subject to the provisions of Chapter 367, Florida Statutes, the "Water and Wastewater Regulatory Law," effective immediately, and all non-exempted water and sewer systems in the County that meet the definition of "utility" as defined by Section 367.021, Florida Statutes, are hereby subject to the jurisdiction and regulatory authority of the Florida Public Service Commission.

2. As a matter of law, sections 118-221 through 118-249 of the Columbia County Code of Ordinances are preempted, and shall be of no further force or effect except to the extent they are necessary to the Florida Public Service Commission for the orderly transfer of jurisdiction to that agency.


Duly adopted in regular session this 16 day of May, 2024.

**COLUMBIA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

Attest:   
James M. Swisher, Jr.  
Clerk of Court and Comptroller

By:   
Ronald Williams, Chairman

Approved as to form and legality:

  
Joel F. Foreman, County Attorney

