

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: March 20, 2025

TO: Office of Commission Clerk (Teitzman)

FROM: Division of Engineering (Lewis, Ramos) *TB*
Division of Accounting and Finance (Bardin, Cicchetti, Norris, Swards) *ALM*
Division of Economics (Sibley, Bruce) *JP*
Office of the General Counsel (Thompson, Crawford) *JSC*

RE: Docket No. 20240118-SU – Application for grandfather certificate to operate wastewater utility in Columbia County, by Kirby D. Morgan, Inc.

AGENDA: 04/01/25 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Clark

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

On May 16, 2024, the Board of County Commissioners of Columbia County (County) adopted Resolution No. 2024R-13 (Resolution), transferring regulation of the privately-owned, for profit water and wastewater utilities in Columbia County to the Florida Public Service Commission (Commission). Effective upon the adoption of the Resolution, all non-exempt water and wastewater systems in Columbia County became subject to the provisions of Chapter 367, Florida Statutes (F.S.). By Order No. PSC-2024-0222-FOF-WS, the Commission acknowledged the Resolution.¹

¹ Order No. PSC-2024-0222-FOF-WS, issued July 1, 2024, in Docket No: 20240089-WS, *In re: Resolution of the Board of County Commissioners of Columbia County declaring Columbia County subject of the provisions of Section 367, F.S.*

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system shall be entitled to receive a certificate for the area served by such utility on the day the chapter becomes applicable to the utility. On August 6, 2024, Kirby D. Morgan, Inc. (Kirby Morgan or Utility) filed an application for a certificate under grandfather rights to provide wastewater service in Columbia County pursuant to Section 367.171(2), F.S., and Rule 25-30.035, Florida Administrative Code (F.A.C.). Kirby Morgan's application was found to be deficient, and staff sent a deficiency letter to the Utility on August 22, 2024. The Utility cured the deficiencies on January 14, 2025.

Kirby Morgan provides wastewater service to approximately 217 residential customers, in single family homes, located in Eastside Village. Water service is provided by Lake City. The Utility's service area is located in the Suwanee River Water Management District. This recommendation addresses the application for a grandfather wastewater certificate and rates and charges. The Commission has jurisdiction pursuant to Section 367.171, F.S.

Discussion of Issues

Issue 1: Should Kirby D. Morgan, Inc.'s application for grandfather wastewater certificate in Columbia County be acknowledged?

Recommendation: Yes. Kirby Morgan's application should be acknowledged and the Utility should be issued Certificate No. 586-S, effective May 16, 2024, to serve the territory described in Attachment A. The resultant order should serve as Kirby Morgan's certificate and should be retained by the Utility. (Lewis, Bardin)

Staff Analysis: The Utility's application for a certificate under grandfather rights to provide wastewater service in Columbia County is in compliance with Section 367.171(2)(b), F.S., and Rule 25-30.035, F.A.C. The application contains a warranty deed as proof of ownership of the land on which the Utility's facilities are located, an accurate territory description, and adequate service territory and system maps. The territory description is provided in Attachment A.

As stated in the case background, Kirby Morgan serves approximately 217 residential customers. The Utility does not currently have any outstanding citations, violations, or consent orders on file with the Florida Department of Environmental Protection.

The Utility is aware of its obligation to submit its 2024 Annual Report pursuant to Rule 25-30.110, F.A.C., and is also aware of its obligation to pay regulatory assessment fees pursuant to Rule 25-30.120, F.A.C. In addition, the Utility is aware that it must maintain its books and records according to the National Association of Regulatory Utility Commissioners' Uniform System of Accounts.

Based on the above, staff recommends that Kirby Morgan be granted Certificate No. 586-S to serve the territory described in Attachment A. The resultant order should serve as Kirby Morgan's certificate and should be retained by the Utility.

Date: March 20, 2025

Issue 2: What rates and charges should be approved for Kirby D. Morgan, Inc.?

Recommendation: The Utility's monthly rates that were in effect when the County transferred jurisdiction to the Commission, shown on Schedule No. 1, should be approved. The Utility has no miscellaneous service charges. The rates should be effective for service rendered 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 this Commission in a subsequent proceeding. (Sibley)

Staff Analysis: The County approved Kirby Morgan's existing rates by Resolution No. 2011-R13 on March 17, 2011. The rates consist of a single flat rate and no gallonage charge. On February 17, 2025, the Utility filed a revised tariff sheet into the docket file, stating that the miscellaneous service charges tariff sheet filed with the application erroneously contained charges the Utility did not have the authority to charge.² However, the Utility never assessed any miscellaneous service charges to its customers. Currently, the Utility does not have any miscellaneous service charges nor service availability charges. In addition, the Utility does not have customer deposits.

Staff recommends that the Utility's monthly rates that were in effect when the County transferred jurisdiction to the Commission, shown on Schedule No. 1, should be approved. The Utility has no miscellaneous service charges. The rates should be effective for service rendered 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 this Commission in a subsequent proceeding.

² Document No. 00990-2025.

Issue 3: Should this docket be closed?

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

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

DESCRIPTION OF TERRITORY SERVED

KIRBY D. MORGAN, INC. Wastewater Service Territory

A PART OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 17 EAST AND A PART OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 17 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION. 34 AND RUN N 6°20'43" E ALONG THE WEST LINE THEREOF, 136.68 FEET TO THE NORTHWEST CORNER OF LOT 17 BLOCK "A" OF EASTSIDE VILLAGE UNIT 2 FOR A POINT OF BEGINNING. THENCE CONTINUE N 6°20'43" E, 1330.74 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF BAYA AVENUE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1474.39, AN INCLUDED ANGLE OF 5°28'48", WHOSE CHORD BEARING IS N 53°33'25" E AND A CHORD DISTANCE OF 140.96 FEET; THENCE N 87°30'43" E 230.41 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE G.S. & F. RAILROAD; THENCE S 52°07'56" E ALONG SAID RIGHT-OF-WAY, 162.49 FEET; THENCE S 6°20'43" W, 483.65 FEET;

THENCE S 89°51'02" E, 357.36 FEET; THENCE N 13°20'19" E, 214.29 FEET TO SAID RAILROAD RIGHT-OF-WAY; THENCE S 52°07'56" E ALONG SAID RIGHT-OF-WAY, 1170.54 FEET; THENCE S 31°47'05" W, 335.04 FEET TO THE NORTHEAST CORNER OF SUZANNE SUBDIVISION UNIT 5, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 100 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE CONTINUES 31°47'05" W, 129.2 FEET TO THE NORTH LINE OF SAID SECTION 3; THENCE S 89°50'36" W, 60 FEET TO THE WEST RIGHT-OF-WAY OF PEARL STREET; THENCE S 1°23'36" E ALONG SAID RIGHT-OF-WAY 129.6 FEET MORE OR LESS TO THE CENTERLINE OF A CREEK; THENCE SOUTHWESTERLY ALONG THE MEANDER OF THE CENTERLINE OF SAID CREEK, WHICH FOLLOWS NEAR TO THE FOLLOWING CHORD BEARINGS AND DISTANCES: S 63°04'54" W, 30.86 FEET; S 26°06'04" W, 64.19 FEET; S 80°25'24" W, 62.15 FEET; S 34°39'00" W, 29.11 FEET; S 33°57'54" W, 50.37 FEET; S 72°18'44" W, 88.16 FEET; S 85°29'07" W, 62.81 FEET; N 74°00'46" W, 18.73 FEET; N 79°05'46" W, 23.82 FEET; S 81°11'14" W, 59.00 FEET; S 64°54'26" W, 36.3 FEET; S 51°25'14" W, 41.00 FEET; S 76°17'04" W, 71.40 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SUZANNE SUBDIVISION UNIT 5 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 100 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID CREEK S 79°48'17" W, 43.15 FEET; S 27°01'33" W, 30.42 FEET; N 29°30'01" W, 26.27 FEET; S 33°14'49" W, 46.87 FEET; S 68°29'07" W, 38.38 FEET; N

82°41'45" W, 31.13 FEET; S 55°33'23" W, 43.13 FEET; S 38°59'15" W, 25.00 FEET, TO THE SOUTHWEST CORNER OF LOT 3 BLOCK "D" OF EASTSIDE VILLAGE UNIT 2 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 137-137A OF THE SAID PUBLIC RECORDS; THENCE CONTINUE ALONG THE MEANDER OF THE CENTERLINE OF SAID CREEK; S 38°59'55" W, 21.85 FEET; N 52°04'35" W, 21.08 FEET; S 18°38'29" W, 29.62 FEET; S 67°53'37" W, 44.07 FEET; N 19°38'08" W, 51.61 FEET; S 80°14'19" W, 89.19 FEET; N 30°21'55" W, 19.42 FEET; S 62°43'43" W, 92.18 FEET; S 5°31'19" E, 52.04 FEET; S 68°39'52" W, 81.80 FEET; N 65°04'52" W, 105.25 FEET; S 20°53'15" W, 52.55 FEET; N 82°46'58" W, 109.19 FEET; S 66°03'58" W, 120.37 FEET; S 42°23'20" W, 86.66 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF EASTSIDE VILLAGE UNIT III AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6 PAGE 65 OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG THE MEANDER OF SAID CENTERLINE, S 47°17'22" W, 216.25 FEET; S 34°02'02" W, 41.48 FEET; S 74°10'53" W, 285.0 FEET; S 8°09'42" W, 19.86 FEET; S 58°21'50" W, 24.41 FEET; S 34°40'57" W, 35.69 FEET; S 8°50'16" W, 27.89 FEET; S 11°25'26" E, 71.85 FEET; S 51°23'04" W, 70.94 FEET; S 72°37'09" W, 26.37 FEET; S 55°40'39" W, 57.01 FEET; S 15°16'39" W, 61.72 FEET; S 82°45'03" W, 18.63 FEET; S 60°46'49" W, 46.0 FEET; S 48°33'19" W, 61.39 FEET; S 66°42'05" W, 32.29 FEET; S 46°52'45" W, 35.78 FEET; S 39°43'00" W, 61.06 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NE¼ OF NW¼ OF SAID SECTION 3; THENCE S 88°52'08" W, 605.43 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 1°49'57" W ALONG THE WEST LINE OF SAID NE¼ OF NW¼ 1070.99 FEET; THENCE N 88°56'56" E, 134.92 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 224.54 FEET, A CHORD BEARING OF N 30°07'31" E, AND A CHORD DISTANCE OF 92.16 FEET, FOR AN ARC DISTANCE OF 92.83 FEET; THENCE S 30°01'43" E, 171.63 FEET TO THE SOUTHERNMOST CORNER OF LOT 1 BLOCK "F" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 22°46'18" E, 98.92 FEET; THENCE N 88°55'54" E, 860.0 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID BLOCK "F"; THENCE N 1°04'06" E, 39.32 FEET; THENCE S 87°19'34" E, 193.38 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK "E", OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 1°04'06" E, 83.17 FEET TO THE SOUTH LINE OF DOGWOOD DRIVE; THENCE N 88°55'54" E, 115.77 FEET; THENCE S 46°56'00" E, 22.28 FEET; THENCE N 88°45'28" E, 67.24 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.0 FEET, AN INCLUDED ANGLE OF 85°20'31", FOR AN ARC DISTANCE OF 59.58 FEET; THENCE N 5°53'56" W, 28.20 FEET; THENCE N 6°20'43" E, 65.71 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF BLOCK "B" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 88°45'28" E, ALONG THE SOUTH LINE OF SAID LOT 2 AND EXTENDING ACROSS THE SOUTH LINE OF LOTS 3, 4, 5 AND 6 OF SAID BLOCK "B", 398.29 FEET; THENCE S 82°32'32" E, 94.57 FEET TO THE SOUTHEAST CORNER OF LOT 1 BLOCK "C" OF SAID EASTSIDE VILLAGE UNIT 2;

THENCE N 0°47'32" W ALONG THE EAST LINE OF SAID LOT 1 BLOCK "C", 108.0 FEET TO THE SOUTH RIGHT-OF-WAY OF PEARL STREET; THENCE N 82 ° 32' 32" W, 67.32 FEET.; THENCE N 87°45'10" W, 100.66 FEET; THENCE N 0°30'09" E, 11.02 FEET TO THE CENTERLINE OF PEARL STREET; THENCE S 88°45'28" W ALONG SAID CENTERLINE, 332.02 FEET; THENCE N 6°20'43" E, 13.51 FEET; THENCE N 83°39' 17" W, 144.0 FEET TO THE POINT OF BEGINNING.

FLORIDA PUBLIC SERVICE COMMISSION

**authorizes
Kirby D. Morgan, Inc.
pursuant to
Certificate Number 586-S**

to provide wastewater service in Columbia County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

Order Number	Date Issued	Docket Number	Filing Type
*	*	20240118-SU	Grandfather Certificate

*Order Number and date to be provided at time of issuance.

**Kirby D. Morgan, Inc.
Monthly Wastewater Rates**

Residential and General Service

Base Facility Charge by Meter Size

Flat Rate

\$44.09