

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: June 23, 2005

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Economic Regulation (Redemann)
Office of the General Counsel (Rodan, Halloran)

RE: Docket No. 050272-WU – Application for amendment of Certificate No. 427-W to add territory in Marion County, by Windstream Utilities Company.
County: Marion

AGENDA: 07/05/05 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Bradley

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\050272.RCM.DOC

Case Background

Windstream Utilities Company (Windstream or utility) is a Class B utility. According to its 2004 annual report, Windstream serves approximately 1,201 water customers with combined annual operating revenues of \$478,358 and a combined net income of \$7,918. Windstream has a number of noncontiguous water systems in Marion County. The proposed area is in the Southwest Florida Water Management District. The area is not in a water use caution area, but lawn watering is restricted to twice a week.

On April 15, 2005, the utility applied for a “Quick Take” amendment to Water Certificate No. 427-W in Marion County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative

Docket No. 050272-WU

Date: June 23, 2005

Code. The completed application was filed on April 16, 2004. The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes.

Discussion of Issues

Issue 1: Should the Commission acknowledge Windstream's "Quick Take" application to amend Certificate No. 427-W?

Recommendation: Yes, the Commission should acknowledge Windstream's amendment application to expand its Majestic Oaks territory. The proposed territory amendment is described in Attachment A to this recommendation. Windstream should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. (REDEMANN)

Staff Analysis: On April 15, 2005, Windstream applied for a "Quick Take" amendment to Water Certificate No. 427-W in Marion County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code. The completed application was filed on June 13, 2005. The customers requesting service need fire and water service from the Majestic Oaks water system. According to the application, Marion County's Utility Manual now requires fire flow capacity. Windstream installed a water tower in 2003, so it could provide fire flow in the area.

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. Windstream's Majestic Oaks water system has three 12 inch wells. Disinfection is provided by liquid chlorine. Water pressure is provided by two hydro pneumatic tanks and a 200,000 gallon elevated water tower.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this recommendation as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for filing such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment.

The "Quick Take" amendment is designed to provide water and/or wastewater service quickly for areas that serve less than 25 ERCs. Typically, a well or septic tank fails or service is otherwise not available and service is needed as soon as possible. The request for service territory expansion and amendment of an existing certificate is considered approved when the utility complies with Rule 25-30.036(2), Florida Administrative Code, and if no protest is timely filed to the notice of application.

The utility states that the new territory will not exceed a maximum of 25 ERCs at the time the territory is built out. The utility will provide service to a commercial park and a church that need potable water and fire protection service. According to Windstream, no other utility in the area is willing and/or capable of providing reasonably adequate service to the territory.

Staff has contacted the Department of Environmental Protection and learned that there are no outstanding notices of violation issued for Windstream's Majestic Oaks water system. Staff recommends that the rates and charges approved by the Commission for Windstream's Majestic Oaks service area be applied to the customers in the new service territory. The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

Based on the above information, staff believes it is in the public interest to acknowledge the "Quick Take" amendment application filed by Windstream and to add the additional territory described in Attachment A to this recommendation.

Issue 2: Should this docket be closed?

Recommendation: Yes, no further action is required and the docket should be closed.
(RODAN, HALLORAN)

Staff Analysis: No further action is required and the docket should be closed.

MARION COUNTY
WINDSTREAM UTILITIES COMPANY
MAJESTIC OAKS
EXTENTION OF WATER SERVICE TERRITORY

Southwest Christian Church

Parcel 1:

The West 584.50 feet of the North 440.00 feet of Section 21, Township 16 South, Range 21 East, Marion County, Florida, except the West 40 feet for Right-of-Way of S.W. 60th Avenue and except the North 40 feet thereof.

Parcel 2:

The East 544.50 feet of the West 1,129 .00 feet of the North 400 feet of Section 21, Township 16 South, Range 21 East, Marion County, Florida, except the North 40 feet thereof.

Boyd Commercial Park

Commence at the West 1/4 corner of Section 8, Township 16 South, Range 21 East, Marion County, Florida; thence North 89°55'54" East along the South boundary of the North 1/2 of said Section 8 a distance of 3,318.24 feet to the S.E. corner of the S.W 1/4 of the S.W. 1/4 of the N.E 1/4 of said Section 8 and the Point of Beginning; thence North 00°06'34" East along the East boundary of said S.W. 1/4 of the S.W 1/4 of the N.E. 1/4 a distance of 662.69 feet to a concrete monument on the monumented South boundary of "Bahia Oaks Unit No. Five" as per Plat thereof, recorded in Plat Book "L" Page 71 of the Public Records of aforesaid Marion County; thence North 89°54'32" East along said monumented South boundary 663.48 feet to a concrete monument; thence continuing along said monumented South boundary and along the South boundary of "Bahia Oaks Unit No. Four" as per Plat thereof, recorded in Plat Book "L", Page 70 of aforesaid Public Records, South 69°19'47" East a distance of 554.47 feet to a Non-tangent Intersection with the Westerly Right-of Way of State Road No. 200 (width varies) as per Florida Department of Transportation Right-of Way Map, Section 36110-2521, said Point being on a curve concave Northwesterly, having a radius of 22,833.31 feet and a Central Angle of 00°23'21"; thence Southwesterly along said Right-of-Way curve an arc distance of 155.05 feet; subtended by a chord bearing and distance of South 43°01'12" West 155.05 feet to the Point of Reverse curvature of a Right-of-Way curve concave Southeasterly, having a radius of 23, 003.31 feet and a Central Angle of 01°02'46" thence Southwesterly along said Right-of-Way curve an arc distance of 420.01 feet, subtended by a chord bearing and distance of South 42°41'29" West 420.01 feet; thence departing said Right-of-Way along a non-tangent line lying 45.00 feet North of (as measured at right angles) and Parallel to the aforesaid South boundary of the North 1/2 of

Docket No. 050272-WU

Date: June 23, 2005

Section 8, South 89°55'54" West 377.12 feet; thence North 00°05'31" East 125.15 feet to a concrete monument, thence South 89°59'12" West 150.08 feet to a concrete monument; thence South 00°05'31" West 170.29 feet to the aforesaid South boundary of the North 1/2 of Section 8, thence South 89°55'54" West along said South boundary 265.67 feet to the Point of Beginning. Containing 13.55 acres, more or less.