

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 29, 2007

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (Walden)
Office of the General Counsel (Jaeger)

RE: Docket No. 070326-WS – Application for quick-take amendment of Certificate No. 107-W and 229-S to extend water and wastewater service to certain territory in Pasco County, by Utilities Inc. of Florida.
County(ies): Pasco

AGENDA: 09/11/07 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Argenziano

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\070326.RCM.DOC

Case Background

Utilities, Inc. of Florida (UIF or utility) is a Class A utility providing water and wastewater service in Marion, Orange, Pasco, Pinellas, and Seminole Counties. Water and wastewater rates were last established for this utility by Order No. PSC-07-0505-SC-WS,¹ dated June 13, 2007, a rate case. The above order fined UIF for serving outside its certificated territory in apparent violation of Section 367.045(2), Florida Statutes (F.S.), and required the utility to file by September 30, 2007, an amendment application for all of its systems in which it was serving

¹ In Docket No. 060253-WS, In re: Application for increase in water and wastewater rates in Marion, Orange, Pasco, Pinellas and Seminole Counties by Utilities, Inc. of Florida.

outside its territory. On May 18, 2007, the utility applied for a “Quick Take” amendment to Certificate Nos. 107-W and 229-S in Pasco County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). This recommendation is one of five addressing the amendment applications submitted to comply with the order. UIF also filed amendment applications to address customers being served outside its territory in Marion, Orange, and Seminole Counties, which are being addressed separately.²

The systems in this application are located in the Southwest Florida Water Management District (SWFWMD), and are within the Northern Tampa Bay Water-Use Caution Area. The Commission has jurisdiction pursuant to Section 367.045, F.S.

²In Docket No. 070324-WU, In re: Application for quick-take amendment of Certificate No. 040-W to extend water service to certain territory in Orange County, by Utilities, Inc. of Florida.

In Docket No. 070326-WS, In re: Application for quick-take amendment of Certificate No. 107-W and 229-S to extend water and wastewater service to certain territory in Pasco County, by Utilities Inc. of Florida.

In Docket No. 070349-WS, In re: Application for amendment of Certificates 410-W and 305-S to extend water and wastewater service areas to include land in Marion County, by Utilities, Inc. of Florida.

Discussion of Issues

Issue 1: Should the Commission acknowledge Utilities, Inc. of Florida's "Quick Take" application to amend Certificate Nos. 107-W and 229-S?

Recommendation: Yes, the Commission should acknowledge Utilities, Inc. of Florida's amendment application to expand its territory. The proposed territory amendment is described in Attachment A. The resultant order should serve as Utilities, Inc. of Florida's amended certificate and it should be retained by the utility. Utilities, Inc. of Florida 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. (Walden)

Staff Analysis: On May 18, 2007, UIF applied for a "Quick Take" amendment to Certificate Nos. 107-W and 229-S in Pasco County, Florida, pursuant to Rule 25-30.036(2), F.A.C. This amendment application is for the Orangewood and Wis-Bar water and wastewater systems. Five customers have been receiving service in the extension area from 1985-2004. The requested territories are contiguous to the utility's existing service territories, and include two vacant lots.

The application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The utility provides water service through its wells, and wastewater service is provided on a bulk treatment basis from Pasco County.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), F.A.C. 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), F.S., 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, F.A.C. 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 Department of Community Affairs has reviewed the filing and commented that the proposed expansion of territory is consistent with the Pasco County Comprehensive Plan.

The "Quick Take" amendment is designed to provide water and/or wastewater service quickly for areas that serve less than 25 ERCs. 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), F.A.C., and if no protest is timely filed to the notice of application.

Staff recommends that the rates and charges approved by the Commission for UIF's 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.

Based on the above information, the Commission should acknowledge UIF's amendment application to expand its territory. The proposed territory amendment is described in Attachment A. The resultant order should serve as UIF's amended certificates and the order should be retained by the utility. UIF should charge the customers in the added territory the rates and

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charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Issue 2: Should this docket be closed?

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

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

UTILITIES INC. OF FLORIDA
Description of Territory Served
Water Service Territory
Pasco County

Orangewood

In Township 26 South, Range 16 East, Sections 29 and 30:

From a Point of Beginning located at the southwest corner of the Northwest $\frac{1}{4}$ of said Section 29, run North $0^{\circ}8'10''$ East a distance of 1006.1 feet; thence run due east a distance of 946.7 feet to a point of tangency on a 411.8 feet radius curve; thence run 378.5 feet along the curvature of the arc with a start angle of North $59^{\circ}41'10''$ East; thence run South $28^{\circ}22'12'$ East a distance of 761.5 feet; thence run due south a distance of 18.8 feet; thence run North $89^{\circ}57'10'$ West a distance of 1614.2 feet to the Point of Beginning.

Wis-Bar

In Township 26 South, Range 16 East, Sections 29 and 30:

From a Point of Beginning located at the southwest corner of the Northwest $\frac{1}{4}$ of said Section 29, run North $0^{\circ}8'10''$ East a distance of 1006.1 feet; thence run due east a distance of 946.7 feet to a point of tangency on a 411.8 feet radius curve; thence run 378.5 feet along the curvature of the arc with a start angle of North $59^{\circ}41'10''$ East; thence run South $28^{\circ}22'12'$ East a distance of 761.5 feet; thence run due south a distance of 18.8 feet; thence run North $89^{\circ}57'10'$ West a distance of 1614.2 feet to the Point of Beginning.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Utilities Inc. of Florida
pursuant to
Certificate Number 107-W

to provide water service in Pasco 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.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
13178	04/09/84	830840-WU	Transfer
24259	03/20/91	900928-WS	Transfer
PSC-01-1655-PAA-WS	08/13/01	000793-WS	Transfer
*		070326-WS	Amendment

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

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
Utilities Inc. of Florida
pursuant to
Certificate Number 229-S

to provide wastewater service in Pasco 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.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
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