

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:** September 2, 2009

**TO:** Office of Commission Clerk (Cole)

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

**RE:** Docket No. 080534-WS – Application for quick-take amendment and application for amendment of Certificate Nos. 209-W and 154-S to extend water and wastewater services to certain territory (Jasmine Lakes) in Pasco County, by Aqua Utilities Florida, Inc.

**AGENDA:** 09/15/09 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Edgar

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\080534.RCM.DOC

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### Case Background

Aqua Utilities Florida, Inc. (Aqua or Utility) is a Class A water and wastewater utility with 82 water and wastewater systems located in sixteen counties throughout Florida. This system was originally granted a certificate in 1972,<sup>1</sup> and was transferred to Aqua in Docket No. 040951-WS. The Utility's service area in Pasco County is in the Southwest Florida Water Management District.

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<sup>1</sup> In Docket Nos. 72656-W and 72657-S, In re: Application of Jasmine Lakes Services, Inc., for a certificate to operate its existing water and sewer system in Pasco County.

On August 12, 2008, Aqua filed both its initial application and completed follow-up application for a “Quick take” amendment to Certificate Nos. 209-W and 154-S for certain territory at its Jasmine Lakes system in Pasco County, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The Utility provides water and wastewater service to approximately 1500 customers at this system.

On September 12, 2008, Pasco County objected to Aqua’s application. Aqua responded to Pasco County on September 19, 2008, and filed a corrected legal description with the Commission. On October 10, 2008, Pasco County withdrew its objection. However, during the course of the filing, Aqua had provided staff several versions of the legal description, each slightly different from the final version. Inadvertently, the wrong legal description, containing two small errors, was inserted in staff’s recommendation which the Commission approved on April 7, 2009. As a result, these two errors were included in Commission Order No. PSC-09-0250-FOF-WS issued on April 27, 2009.

The purpose of this recommendation is to correct the legal descriptions for the service area as stated in Order No. PSC-09-0250-FOF-WS that contained two errors. The errors can be characterized as minor errors and include an incorrect distance and an incorrect direction. The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes.

### **Discussion of Issues**

**Issue 1:** Should Commission Order No. PSC-09-0250-FOF-WS issued April 27, 2009 be amended to include the correct legal description for the Jasmine Lakes service area?

**Recommendation:** Yes. An Amendatory Order should be issued with the correct legal description for the territory added as well as for the composite territory description. (Walden)

**Staff Analysis:** Commission Order No. PSC-09-0250-FOF-WS, issued April 27, 2009, contains two errors in the service area descriptions for the Jasmine Lakes water and wastewater system. The errors were pointed out to the Utility and to Commission staff by Pasco County. The first error is an incorrect distance in the description of the territory added, where the distance should be 337.6 feet instead of 267.8 feet. The second error is an incorrect direction in the composite description that describes the entire service territory, where the direction should be northeasterly instead of northwesterly. The County, the Utility, and the staff agree that the attached legal descriptions correctly described the service territory.

Maps filed in this docket by the Utility correctly show the territory that the Utility is serving. Because the incorrect legal descriptions were included in the staff recommendation, these two errors therefore became part of the Commission Order.

The corrected descriptions are shown on Attachment A in type and strike format. Page 1 of Attachment A shows the corrected description of the territory added. Page 2 of Attachment A shows the corrected description of the composite territory. Pages 3 and 4 of Attachment A are the Utility's water and wastewater certificates.

Staff recommends that an amendatory order be issued with the correct legal description for the territory added as well as for the composite territory description. An amendatory order correcting the legal descriptions will have no effect upon the rates to the customers.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 1, no further action will be necessary and this docket should be closed. (Sayler)

**Staff Analysis:** If the Commission approves staff's recommendation in Issue 1, no further action will be necessary and this docket should be closed.

Aqua Utilities Florida, Inc.  
Pasco County  
Corrected Description of Water and Wastewater Territory Added

Jasmine Lakes

In Township 25 South, Range 16 East, Pasco County, Florida

In Section 15:

Commence at the Northwest corner of Section 15 and thence run S0°50'23"E a distance of 1680.2 feet to the Point of Beginning; thence run S89°48'12"E a distance of 1280.0 feet; thence run N00°10'28"E a distance of 338.9 feet; thence run N89°50'0"W a distance of 1247.2 feet; thence run southwesterly along the eastern side of the right of way of U. S. Highway No. 19, a distance of 337.6 ~~267.8~~ feet to the Point of Beginning.

Aqua Utilities Florida, Inc.  
Pasco County  
Corrected Description of Composite Water and Wastewater Territory

Jasmine Lakes

In Township 25 South, Range 16 East, Pasco County, Florida

In Sections 14, 15, And 16:

Commence at the Northeast corner of Section 16 and run S02°29'30"E a distance of 1,345.0 feet to the Point of Beginning; thence run S89°55'16"E a distance of 5,177.9 feet; thence run S00°16'01"W a distance of 1,327.6 feet; thence run S89°51'14"E a distance of 636.7 feet; thence run S03°00'18"W a distance of 2,640.8 feet; thence run N89°48'11"W a distance of 472.5 feet; thence run S89°55'38"W a distance of 2,652.0 feet; thence run N00°09'12"E a distance of 1,645.3 feet; thence run due west a distance of 3,222.1 feet; thence run northeasterly ~~northwesterly~~ along the east right of way line of U. S. Highway No. 19, a distance of 2,442.8 feet to the Point of Beginning.

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**Aqua Utilities Florida, Inc.**  
**pursuant to**  
**Certificate Number 209-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>
5605	12/27/72	C-72656-W	Original Certificate
6506	02/11/75	74090-W	Original Certificate
6506-A	06/29/84	74090-W	Territory Correction
PSC-04-0715-FOF-WS	07/21/04	040359-WS	Name Change
18243	10/05/87	870572-WS	Transfer
20140	10/10/88	880472-WS	Transfer
21146	04/28/89	890202-WS	Amendment
23728	11/07/90	900291-WS	Transfer
PSC-97-0427-FOF-WS	04/16/97	970028-WS	Name Change
PSC-99-0482-FOF-WS	03/08/99	981780-WS	Majority Control
PSC-05-1242-PAA-WS	12/20/05	040951-WS	Transfer
PSC-06-0973-FOF-WS	11/22/06	060643-WS	Name Change
PSC-09-0250-FOF-WS	04/27/09	080534-WS	Amendment
*	*	080534-WS	Territory Correction

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**Aqua Utilities Florida, Inc.**  
**pursuant to**  
**Certificate Number 154-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>
5605	12/27/72	C-72657-S	Original Certificate
6506	02/11/75	74091-S	Original Certificate
6506-A	06/29/84	74091-S	Territory Correction
18243	10/05/87	870572-WS	Transfer
20140	10/10/88	880472-WS	Transfer
21146	04/28/89	890202-WS	Amendment
23728	11/07/90	900291-WS	Transfer
PSC-97-0427-FOF-WS	04/16/97	970028-WS	Name Change
PSC-99-0482-FOF-WS	03/08/99	981780-WS	Majority Control
PSC-04-0715-FOF-WS	07/21/04	040359-WS	Name Change
PSC-05-1242-PAA-WS	12/20/05	040951-WS	Transfer
PSC-06-0973-FOF-WS	11/22/06	060643-WS	Name Change
PSC-09-0250-FOF-WS	04/27/09	080534-WS	Amendment
*	*	080534-WS	Territory Correction