

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILE COPY

IN RE: Complaint of )  
The Christian and Missionary )  
Alliance Foundation, Inc., d/b/a )  
Shell Point Village against )  
Florida Cities Water Company )  
regarding service availability )  
charges. )

DOCKET NO. 970027 - WLS

COMPLAINT

The Christian and Missionary Alliance Foundation, Inc. d/b/a Shell Point Village ("Foundation"), by and through its undersigned attorneys and pursuant to Rule 25-30.560, Florida Administrative Code, files this Complaint against Florida Cities Water Company ("FCWC") and states:

1. The full name and address of Complainant is:

The Christian and Missionary Alliance Foundation, Inc.  
15000 Shell Point Boulevard  
Fort Myers, Florida 33908

2. The name and address of the person authorized to receive

notices and communications in respect to this application is:

Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301

3. The name and address of the person against whom this complaint is lodged is:

Florida Cities Water Company  
7401 College Parkway  
Fort Myers, FL 33907-5595

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIN \_\_\_\_\_  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

4. Shell Point Village is a continuing care retirement community located on a 75-acre island in the mouth of the Caloosahatchee River in Lee County, Florida. Shell Point Village provides all levels of care, including independent living, assisted living, and skilled nursing. There is a central kitchen and dining facility provided for assisted living, skilled nursing and independent living residents. There is also a medical center on site with three physicians employed by the Foundation. Towels and linen are furnished and centrally laundered for all residents. Most of the independent living apartment complexes have central laundry facilities for residents to do their personal laundry and there are not laundry facilities within the individual apartment. The residents, regardless of the level of care, pay an initial fee and a monthly maintenance fee. No separate charge is imposed on residents for water service. All of the dwelling units are owned by Foundation.

5. Water is delivered through a central water meter at the entry gate to Shell Point Village, and all internal distribution lines throughout the Village are owned and maintained by Shell Point Village. Foundation does not use water purchased from FCWC for irrigation purposes as it purchases effluent from Lee County for that purpose. Foundation is billed by FCWC for monthly use on a bulk basis as a general service customer.

6. To date, Foundation has paid FCWC service availability charges for 443 garden apartment units, 209 midrise units, and 40 assisted living units. Foundation has paid for these 692 units at

the multi-family rate which equates to 250 gallons per day each, for total paid connection fees for 173,000 gallons per day of demand.

7. Foundation has added 97 additional units for which FCWC has requested service availability charges of \$625 per unit, and an AFPI charge of \$230.73 per unit.

8. The highest water usage by Foundation in the past two years was 3,912,000 gallons in August, 1996, which was a 33 day billing period, for an average of 118,545 gallons per day, which is well below the 173,000 gallons per day for which the Foundation has already paid service availability charges to FCWC. The average water usage by Foundation for the twelve months ending October, 1996 was 3,341,000 gallons per month, which is only 109,841 gallons per day.

9. Foundation is a general service customer. It is now, and has always in the past, been billed for monthly service as a general service customer. The Foundation has in excess of two hundred thousand dollars invested in the cost of construction of its internal water distribution system throughout its 75 acre development, which it maintains at its own expense.

10. Foundation has paid FCWC service availability charges for 173,000 gallons per day of general service water capacity. Its highest water usage is 118,545 gallons per day. Thus, FCWC is not entitled to any additional service availability or AFPI charges at this time and, in fact, should refund the excess charges for

commitment of capacity which the Foundation is not now utilizing or provide a credit towards new demands to be added.

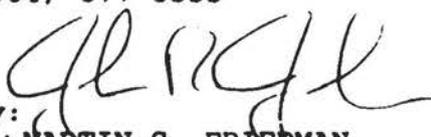
11. FCWC actions as outlined above are in violation of Commission Rules 25-30.520 and 25-30.530(3)(c), Florida Administrative Code and also in violation of the requirements of Section 367.081(1) and 367.091(2) and (3), Florida Statutes.

12. A copy of this Complaint has been served by U.S. Mail on FCWC at the above listed address.

WHEREFORE, the Foundation requests this Commission enter an Order determining that it owes no service availability or AFPI charges to FCWC.

Respectfully submitted on this  
6th day of January, 1997, by:

ROSE, SUNDSTROM & BENTLEY  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(904) 877-6555

By:   
for MARTIN S. FRIEDMAN  
For the Firm