

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.

DOCKET NO. 070326-WS  
ORDER NO. PSC-07-0753-FOF-WS  
ISSUED: September 19, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

FINAL ORDER APPROVING AMENDMENTS  
OF CERTIFICATES NOS. 107-W AND 229-S

BY THE COMMISSION:

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,<sup>1</sup> 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 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 Order addresses the amendment application filed for Pasco County. UIF also filed amendment applications to address customers being served outside its territory in Marion, Orange, and Seminole Counties, which are being addressed separately.<sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> See 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; Docket No. 070325-WU, In re: Application for quick-take amendment of Certificate No. 278-W to extend water service to certain territory in Seminole County, by Utilities Inc. of Florida.; 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; and Docket No. 070360-WS, In re: Application for amendment of Certificates 278-W and

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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. We have jurisdiction pursuant to Section 367.045, F.S.

#### Amendment Application

This amendment application is for the Orangewood and Wis-Bar water and wastewater systems. Five customers began receiving service in the extension area in the time period of 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 this 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.

The rates and charges approved by us for UIF's service area shall 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, we acknowledge UIF's amendment application to expand its territory. The proposed territory amendment is described in Attachment A. This order shall serve as UIF's amended certificates and shall be retained by the utility. UIF shall 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.

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225-S to extend water service area to include Ravenna Park/Lincoln Heights, Park Ridge, and Jansen systems, and to extend wastewater service area to include Ravenna Park/Lincoln Heights system in Seminole County, by Utilities, Inc. of Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Utilities, Inc. of Florida for a quick take amendment of its Certificates Nos. 107-W and 229-S to extend water and wastewater service in Pasco County is acknowledged and the certificates are amended as set forth in the body of this Order. It is further

ORDERED that the proposed territory amendments are as described in Attachment A, which is incorporated by reference herein. It is further

ORDERED that this Order shall serve as Utilities, Inc. of Florida's amended certificates and shall be retained by the utility. It is further

ORDERED that Utilities, Inc. of Florida shall 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. It is further

ORDERED that because no further action is required, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 19th day of September, 2007.



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ANN COLE  
Commission Clerk

( S E A L )

RRJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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

WATER SERVICE TERRITORY

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 441.8 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 118.8 feet; thence run North  $89^{\circ}57'10''$  West a distance of 1614.2 feet to the Point of Beginning.

WASTEWATER SERVICE TERRITORY

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 441.8 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 118.8 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
PSC-07-0753-FOF-WS	09/19/07	070326-WS	Amendment

**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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PSC-07-0753-FOF-WS	09/19/07	070326-WS	Amendment