

**Ruth Nettles**

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**From:** DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]  
**Sent:** Wednesday, January 09, 2008 12:43 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** REILLY.STEVE; Ken Hoffman; John Guestella; Martin S. Freidman; Ralph Jeager  
**Attachments:** Citizens' Motion to File Revised Recommended Rule 25-30.4325, F.A.C..pdf

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330  
Reilly.steve@leg.state.fl.us

b. Docket No. 070183-WS

In re: Proposed adoption of Rule 25-30.4325, F.A.C., Water Treatment Plant Used and Useful Calculations.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of sixteen (16) pages.

e. The document attached for electronic filing is Citizens' Motion to File Revised recommended Rule 25-30.4325, F.A.C.

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide  
Secretary to Stephen C. Reilly  
Office of Public Counsel  
Telephone: (850) 488-9330  
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Proposed adoption of Rule 25-30.4325,  
F.A.C., Water Treatment Plant Used and  
Useful Calculations.

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DOCKET NO. 070183-WU

FILED: January 9, 2008

**CITIZENS' MOTION TO FILE REVISED RECOMMENDED**  
**RULE 25-30.4325, F.A.C.**

The Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), hereby file this motion for leave to file its Revised Recommended Rule 25-30.4325, F.A.C., and state:

1. Citizens' witness Andrew T. Woodcock filed Exhibit ATW-2, titled Recommended Rule, which provided all of the recommendations he had with regard to the Commission's proposed rule at the time he filed his prefiled direct testimony.
2. Witness Woodcock has revised some of his recommendations and relocated within the rule other recommendations after reviewing the testimony of the other witnesses and consideration of several changes in positions taken by the other Parties.
3. OPC believes it will assist the Commission in its deliberations and aid the Parties' conduct at the hearing to have a single reference document that incorporates all of OPC's updated recommendations with regard to the Commission's proposed rule.
4. Two copies of the Revised ATW-2 are attached to this motion. The first is a strike and add version which identifies each specific change made to the

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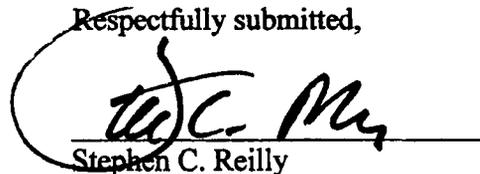
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original ATW-2. The second is a clean version of Revised ATW-2, which is the version OPC proposes to file with the Commission.

WHEREFORE, for the forgoing reasons, the Citizens request the Commission to provide OPC with leave to file its Revised ATW-2, titled Recommended Rule, which will provide all of OPC's revised recommendations with regard to the Commission's Rule 25-30.4325, F.A.C.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S.C. Reilly", is written over a horizontal line. The signature is enclosed in a large, hand-drawn oval.

Stephen C. Reilly  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 070183-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail to the following parties on this 9<sup>th</sup> day of January, 2008, to the following:

Ralph Jaeger, Esquire  
Florida Public Service Commission  
Division of Legal Services  
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P.O. Box 551  
Tallahassee, FL 32302

  
\_\_\_\_\_  
Stephen C. Reilly  
Associate Public Counsel

1 **25-30.4325 Water Treatment, Storage and High Service Pumping Used and Useful**  
2 **Calculations**

3 (1) Definitions.

4 (a) A water treatment system includes all facilities, such as wells and treatment  
5 facilities, excluding storage and high service pumping, necessary to pump and  
6 treat potable water .

7 (b) Storage facilities include ground or elevated storage tanks.

8 (c) High service pumping includes those pumps after storage that deliver  
9 potable water to a transmission and distribution system.

10 (d) Peak demand for a water treatment system includes:

11 1. For utilities without storage, the greater of:

12 (i) the utility's maximum hour demand, excluding excessive  
13 unaccounted for water, plus a growth allowance based on the  
14 requirements in Rule 25-30.431, FACF.A.C., or

15 (ii) the utility's maximum day demand, excluding excessive  
16 unaccounted for water plus a growth allowance based on the  
17 requirements in Rule 25-30.431, FACF.A.C., and where if  
18 provided, a minimum of either the fire flow required by local  
19 government authority or 2 hours at 500 gpm.

20 2. For utilities with storage, the utility's maximum day demand,  
21 excluding excessive unaccounted for water plus a growth allowance  
22 based on the requirements in Rule 25-30.431, FACF.A.C., and where  
23 provided, a minimum of either the fire flow required by local  
24 governmental authority or 2 hours at 500 gpm. Fire flow shall be

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considered to the extent the treatment facilities can replenish fire flow volume over a 24 hour period.”

(e) Peak demand for storage includes 25% of the utility’s maximum day demand, excluding excessive unaccounted for water, plus an allowance for fire flow, ~~if-where~~ provided, a minimum of either the fire flow required by local governmental authority or 2 hours at 500 gallons per minute, and a growth allowance based on the requirements in Rule 25-30.431, ~~FACF.A.C.~~

(f) Peak demand for high service pumping includes the greater of:

1. The utility’s maximum hour demand, excluding excessive unaccounted for water, plus a growth allowance based on the requirements in Rule 25-30.431, ~~FACF.A.C.~~, or

2. The utility’s maximum day demand, excluding excessive unaccounted for water plus a growth allowance based on the requirements in Rule 25-30.431, ~~FACF.A.C.~~, and ~~if-where~~ provided, a minimum of either the fire flow required by local government authority or 2 hours at 500 gpm.

(g) Excessive unaccounted for water (EUW) is unaccounted for water in excess of 10 percent of the amount produced. Any water claimed as accounted for that was used for flushing, fire fighting, and water lost through line breaks must be documented by complete records of these flow losses.~~Excessive unaccounted for water (EUW) is potable water produced in excess of 110 percent of the accounted for usage, including water sold, water used for flushing or fire fighting, and water lost through line breaks. Any water claimed as accounted for that was used for flushing, fire fighting and water lost through~~

1            ~~line breaks must be documented by complete records of these flow losses.~~

2            (2) If any party believes a used and useful calculation should be utilized in a specific  
3            case which differs from the provisions of this rule, such calculation may be provided  
4            along with supporting documentation. The party proposing the alternative calculation  
5            shall have the burden to prove that the alternative calculation is more appropriate for  
6            the specific case than application of the calculation provided by this rule. Examples of  
7            such specific cases that might warrant the use of alternative used and useful  
8            calculations include but are not limited to: economies of scale, service area  
9            restrictions, factors involving treatment capacity, well drawdown limitations, changes  
10           in flow due to conservation or a reduction in the number of customers, and alternative  
11           peaking factors.

12           In determining an alternative peaking factor for a specific system, consideration shall  
13           be given to the size and character of the system service area. For larger systems with a  
14           diverse customer base a lower peaking factor shall be used and conversely for smaller  
15           systems with a uniform customer base a higher peaking factor shall be used. With  
16           regard to service area restrictions, if a system is built out, with no apparent potential  
17           for expansion, and is prudently designed, then the system may be considered 100%  
18           used and useful.~~The used and usefulness of a water treatment system shall be~~  
19           ~~calculated separately from the storage facilities. If any party believes a used and useful~~  
20           ~~calculation should be utilized in a specific case which differs from the provisions of~~  
21           ~~this rule, such calculation may be provided along with supporting documentation. The~~  
22           ~~party proposing the alternative calculation shall have the burden to prove that the~~  
23           ~~alternative calculation is more appropriate for the specific case than application of the~~  
24           ~~calculation provided by this rule. Examples of such specific cases that might warrant~~

1 ~~the use of alternative U&U calculations include but are not limited to: economies of~~  
2 ~~scale, service area restrictions, factors involving treatment capacity, well drawdown~~  
3 ~~limitations, and changes in flow due to conservation or a reduction in number of~~  
4 ~~customers.~~

5 (3) The used and usefulness of a water treatment system is determined by dividing the  
6 peak demand by the firm reliable capacity of the water treatment system.

7 (4) The firm reliable capacity of a water treatment system is equivalent to the pumping  
8 capacity of the wells, excluding the largest well for those systems with more than one  
9 well.

10 (a) For systems with no storage, the firm reliable capacity shall be expressed in  
11 gallons per minute.

12 (b) For systems with storage, the firm reliable capacity shall be expressed as  
13 gallons per day, based upon 24 hours of pumping, unless there is documented  
14 restrictions to the hours of pumping as required by the Water Management  
15 District or other regulatory body, in which case the restriction shall apply.

16 (5) Peak demand includes peak hour demand for a water treatment system with no  
17 storage capacity and a peak day demand for a water treatment system with storage  
18 capacity.

19 (a) Peak hour demand, expressed in gallons per minute, shall be calculated as  
20 follows:

21 1. The single maximum day (SMD) in the test year where there is no  
22 unusual occurrence on that day, such as a fire or line break, less  
23 excessive unaccounted for water divided by 1440 minutes in a day  
24 times a peaking factor ranging between of 1.5 to 2 [(SMD-

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~~EUW)/1,440) x 1.5 to 2], or~~

2. The average of the 5 highest days (AFD) within the maximum month of the test year less excessive unaccounted for water divided by 1440 minutes in a day times a peaking factor ranging between 1.5 to of 2 ~~(((AFD-EUW)/1,440) x 1.5 to 2], or~~

~~3. In determining an appropriate peaking factor in the range for a specific system consideration shall be given to the size and character of the system service area. For larger systems with a diverse customer base a lower peaking factor shall be used and conversely for smaller systems with a uniform customer base a higher peaking factor shall be used.~~

(b) Peak day demand, expressed in gallons per day, shall be calculated as follows:

1. The single maximum day in the test year, if there is no unusual occurrence on that day, such as a fire or line break, less excessive unaccounted for water (SMD-EUW), or

2. The average of the 5 highest days within the maximum month of the test year, less excessive unaccounted for water (AFD-EUW).

(6) The used and usefulness of storage is determined by dividing the peak demand for storage as defined in this rule by the usable storage of the storage tank. Usable storage capacity less than or equal to the peak demand shall be considered 100 percent used and useful. A hydropneumatic tank is not considered usable storage.

(7) Usable storage determination shall be as follows:

(a) An elevated storage tank shall be considered 100 percent usable.

(b) A ground storage tank shall be considered 90 percent usable if the bottom

1 of the tank is below the centerline of the pumping unit.

2 (c) A ground storage tank constructed with a bottom drain shall be considered  
3 100 percent usable, unless there is a documented limiting factor, in which case  
4 the limiting factor will be taken into consideration.

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6 (89) The firm reliable capacity of high service pumping is equivalent to the pumping  
7 capacity of the high service pumps, excluding the largest high service pump for those  
8 systems with more than one high service pump.

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10 (98) The used and usefulness of high service pumping is determined by dividing the  
11 peak demand for high service pumping as defined in this rule by the firm reliable  
12 capacity of the high service pumps.

13 (a) Peak hour demand, expressed in gallons per minute, shall be  
14 calculated as follows:

15 1. The single maximum day (SMD) in the test year, where  
16 there is no unusual occurrence on that day, such as a fire or line  
17 break, less excessive unaccounted for water, divided by 1440  
18 minutes in a day times a peaking factor of 2 [((SMD-  
19 EUW)/1,440) x 2], or

20 2. The average of the 5 highest days (AFD) within the  
21 maximum month of the test year, less excessive unaccounted for  
22 water, divided by 1440 minutes in a day times a peaking factor  
23 of 2 [((AFD-EUW)/1,440) x 2].

24 (b) Maximum day demand, expressed in gallons per day, shall be  
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calculated as follows:

- 1. The single maximum day in the test year, if there is no unusual occurrence on that day, such as a fire or line break, less excessive unaccounted for water (SMD-EUW), or
- 2. The average of the 5 highest days (AFD) within the maximum month of the test year, less excessive unaccounted for water (AFD-EUW). (Woodcock)

~~(9) The firm reliable capacity of high service pumping is equivalent to the pumping capacity of the high service pumps, excluding the largest high service pump for those systems with more than one high service pump.~~

Specific Authority: 350.127(2), 367.121(1)(f) FS.

Law Implemented: 367.081(2), (3) FS.

History: New

Rule 25-30-4325.ldh.doc

1 **25-30.4325 Water Treatment, Storage and High Service Pumping Used and Useful**  
2 **Calculations**

3 (1) Definitions.

4 (a) A water treatment system includes all facilities, such as wells and treatment  
5 facilities, excluding storage and high service pumping, necessary to pump and  
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15 (ii) the utility's maximum day demand, excluding excessive  
16 unaccounted for water plus a growth allowance based on the  
17 requirements in Rule 25-30.431, F.A.C., and where provided, a  
18 minimum of either the fire flow required by local government  
19 authority or 2 hours at 500 gpm.

20 2. For utilities with storage, the utility's maximum day demand,  
21 excluding excessive unaccounted for water plus a growth allowance  
22 based on the requirements in Rule 25-30.431, F.A.C., and where  
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(f) Peak demand for high service pumping includes the greater of:

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2. The utility’s maximum day demand, excluding excessive unaccounted for water plus a growth allowance based on the requirements in Rule 25-30.431, F.A.C., and where provided, a minimum of either the fire flow required by local government authority or 2 hours at 500 gpm.

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14 (3) The used and usefulness of a water treatment system is determined by dividing the  
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23 restrictions to the hours of pumping as required by the Water Management  
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2 storage capacity and a peak day demand for a water treatment system with storage  
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4 (a) Peak hour demand, expressed in gallons per minute, shall be calculated as  
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6 1. The single maximum day (SMD) in the test year where there is no  
7 unusual occurrence on that day, such as a fire or line break, less  
8 excessive unaccounted for water divided by 1440 minutes in a day  
9 times a peaking factor of 2  $[\frac{(SMD-EUW)}{1,440} \times 2]$ , or

10 2. The average of the 5 highest days (AFD) within the maximum  
11 month of the test year less excessive unaccounted for water divided by  
12 1440 minutes in a day times a peaking factor of 2  $[\frac{(AFD-EUW)}{1,440}$   
13  $\times 2]$ ,

14 (b) Peak day demand, expressed in gallons per day, shall be calculated as  
15 follows:

16 1. The single maximum day in the test year, if there is no unusual  
17 occurrence on that day, such as a fire or line break, less excessive  
18 unaccounted for water (SMD-EUW), or

19 2. The average of the 5 highest days within the maximum month of the  
20 test year, less excessive unaccounted for water (AFD-EUW).

21 (6) The used and usefulness of storage is determined by dividing the peak demand for  
22 storage as defined in this rule by the usable storage of the storage tank. Usable storage  
23 capacity less than or equal to the peak demand shall be considered 100 percent used  
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- (c) A ground storage tank constructed with a bottom drain shall be considered 100 percent usable, unless there is a documented limiting factor, in which case the limiting factor will be taken into consideration.

(8) The firm reliable capacity of high service pumping is equivalent to the pumping capacity of the high service pumps, excluding the largest high service pump for those systems with more than one high service pump.

(9) The used and usefulness of high service pumping is determined by dividing the peak demand for high service pumping as defined in this rule by the firm reliable capacity of the high service pumps.

(a) Peak hour demand, expressed in gallons per minute, shall be calculated as follows:

1. The single maximum day (SMD) in the test year, where there is no unusual occurrence on that day, such as a fire or line break, less excessive unaccounted for water, divided by 1440 minutes in a day times a peaking factor of 2 [ $((\text{SMD}-\text{EUW})/1,440) \times 2$ ], or
2. The average of the 5 highest days (AFD) within the maximum month of the test year, less excessive unaccounted for

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water, divided by 1440 minutes in a day times a peaking factor of 2  $(((AFD-EUW)/1,440) \times 2)$ .

(b) Maximum day demand, expressed in gallons per day, shall be calculated as follows:

1. The single maximum day in the test year, if there is no unusual occurrence on that day, such as a fire or line break, less excessive unaccounted for water (SMD-EUW), or
2. The average of the 5 highest days (AFD) within the maximum month of the test year, less excessive unaccounted for water (AFD-EUW). (Woodcock)

Specific Authority: 350.127(2), 367.121(1)(f) FS.

Law Implemented: 367.081(2), (3) FS.

History: New

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