

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of Amendment of Water
Certificate No. 247-W by SANLANDO
UTILITIES CORPORATION in Seminole
County, Florida

DOCKET NO.: 150230-WU

PETITION FOR VARIANCE OR WAIVER OF
RULE 25-30.565, FLORIDA ADMINISTRATIVE CODE

SANLANDO UTILITIES CORPORATION, ("Petitioner") by and through its undersigned attorneys and pursuant to Section 120.542, Florida Statutes, hereby petitions the Florida Public Service Commission for a variance or waiver of the requirements of Rules 25-30.565, Florida Administrative Code, as specifically identified below. In support of this Petition, Sanlando Utilities Corporation asserts the following:

1. The name and address of the Petitioner is:

c/o Utilities, Inc.
2335 Sanders Road
Northbrook, IL 60062-6196

c/o Utilities, Inc.
200 Weathersfield Ave.
Altamonte Springs, FL 32714

2. The name, address and telephone number of the person to contact concerning this

Application is:

Martin S. Friedman, Esquire
Friedman & Friedman, P.A.
766 North Sun Drive, Suite 4030
Lake Mary, Florida 32746
Telephone: (407) 830-6331
Fax: (407) 878-2178
mfriedman@ff-attorneys.com

3. Petitioner has filed an application for an amendment of its Water Certificate in order

to provide potable water service to certain properties where the owners are experiencing problems with their individual wells.

4. The requested waiver or variance is needed because in order for this potential customer base to receive water service without passing along the cost of the construction to Petitioner's entire customer base, the potential customers will reimburse Petitioner for the cost of construction of the water lines, and soft costs in connection with obtaining authorization to serve these customers. These costs will only be imposed on this particular customer base and not to all future customers of Sanlando Utilities Corporation.

5. Rule 25-30.565, Florida Administrative Code ("F.A.C").

This provision requires substantial documentation which is necessary for the Commission to evaluate the appropriate service availability charges to apply to future customers of a utility. The instant application is not seeking the establishment of service availability charges as that term is used in Rule 25-30.565, F.A.C., but merely the cost recovery of providing service to a limited number of customers for whom the improvements are being constructed. Almost none of the documentation required by Rule 25-30.565, F.A.C. applies to this situation. The cost recovery of this extension, including the cost of the PSC proceeding, will be borne by the 111 or so customers to be served, and the remaining over 10,000 existing customers are not to be affected. The Commission is not being asked to develop a service availability charge applicable throughout the system, which is the purpose of this Rule. This proceeding is akin to that considered by the Commission culminating in Order No. PSC-92-1357-FOF-SU, wherein the Commission approved the prorated allocation of the cost of an interconnection without requiring a full service availability filing. See also, Order No. PSC-93-0971-FOF-SU.

The application of Rule 25-30.565, F.A.C. to the cost recovery requested by Petitioner in this Docket would lead to an unreasonable, unfair and unintended result. The purpose of Section 367.101, Florida Statutes, which is implemented by Rule 25-30.565, F.A.C., is to establish just and reasonable service availability charges. That mandate is not thwarted by waiving or granting a variance with regard to the documentation required to be filed pursuant to Rule 25-30.565, F.A.C., and is consistent with prior Commission Orders. Petitioner will file the appropriate documentation to establish the cost to be recovered from the customers that will be directly benefitted by this project.

WHEREFORE, SANLANDO UTILITIES CORPORATION requests this Commission, grant a waiver or variance of the provisions of Rules 25-30.565, Florida Administrative Code.

Respectfully submitted this 28th day of December, 2015, by:

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/s/ Martin S. Friedman

MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE

HEREBY CERTIFY that on the 28th day of December 2015, a true and correct copy of
the foregoing has been served via email to:

Kyesha Mapp, Esquire
Office of General Counsel
KMAPP@PSC.STATE.FL.US

Jennifer Crawford, Esquire
Office of General Counsel
ICRAWFOR@PSC.STATE.FL.US

/s/ Martin S. Friedman

MARTIN S. FRIEDMAN