

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:** December 13, 2017  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Pamela H. Page, Senior Attorney, Office of the General Counsel *FHP*  
**RE:** Docket No. 20170259-WU

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Please file the attached petition for declaratory statement filed by Harbor Waterworks, Inc. in the docket file listed above. Please call me at x36214 should there be any questions. Thank you.

Attachment

RECEIVED-FPSC  
2017 DEC 13 PM 1:26  
COMMISSION  
CLERK

COMMISSIONERS:  
JULIE I. BROWN, CHAIRMAN  
ART GRAHAM  
RONALD A. BRISÉ  
DONALD J. POLMANN  
GARY F. CLARK

STATE OF FLORIDA



KEITH C. HETRICK  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

December 13, 2017

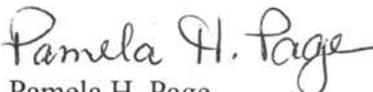
Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1400

**Re: Docket No. 20170259-WU - Petition for declaratory statement regarding the applicability of approved water service availability charges in Lake County, by Harbor Waterworks, Inc.**

Dear Mr. Plante:

The Florida Public Service Commission received a Petition for Declaratory Statement from Harbor Waterworks, Inc. on December 12, 2017. A copy of the petition is enclosed. A notice will be published in the Florida Administrative Register on Thursday, December 14, 2017.

Sincerely,

  
Pamela H. Page  
Senior Attorney

Enclosures

# HARBOR WATERWORKS, INC.

FILED 12/12/2017  
DOCUMENT NO. 10534-2017  
FPSC - COMMISSION CLERK

December 8, 2017

Office of Commission Clerk  
Florida Public Service Commission  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

*Re: Petition for Declaratory Statement Before the Florida Public Service Commission regarding the applicability of the Approved Water Service Availability Charges by Harbor Waterworks, Inc. in Lake County*

RECEIVED  
COMMISSION CLERK  
DECEMBER 12 2017

Dear Commission Clerk,

Pursuant to Section 120.565, Florida Statutes (F.S.) and Rule 25-105.002, Florida Administrative Code (FAC), Harbor Waterworks, Inc. (Harbor) hereby petitions the Florida Public Service Commission (FPSC) for a declaratory statement regarding the applicability of its FPSC approved water Service Availability Charges. In support of this Petition, Harbor asserts the following:

1. The name and address of the Petitioner is:

Harbor Waterworks, Inc.  
4939 Cross Bayou Blvd.  
New Port Richey, FL 34652  
Telephone: (727) 848-8292  
Facsimile: (727) 848-7701

2. The name, address and telephone number of the authorized representative to contact concerning this Petition is:

Troy Rendell  
U.S. Water Services Corporation, Inc.  
4939 Cross Bayous Blvd.  
New Port Richey, FL 34652  
Telephone: (727) 848-8292  
Facsimile: (727) 848-7701  
E-Mail: Trendell@uswatercorp.net

3. Harbor is a FPSC regulated water and wastewater utility under Certificate No. 522-W and 565-S. The FPSC approved the transfer of the water system by Order No. PSC-12-0587-PAA-WU, issued October 29, 2012.

4. Certificate No. 522-W was originally granted in 1989 under the name of Lake Griffin Utilities, Inc. (Lake Griffin).<sup>1</sup> In 1992, all property belonging to Mr. John McNamara, including Lake Griffin, was confiscated by the Federal Government through a Decree of Forfeiture and Order Appointing a Special Trustee. The Federal Government retained possession of the Utility until this Commission approved the transfer to Harbor Hills Utility, LP in 1994.<sup>2</sup>
5. Pursuant to Section 367.091(4), F.S., “A utility may only impose and collect those rates and charges approved by the commission for the particular class of service involved.”
6. Pursuant to Section 367.101, F.S.

The commission shall set just and reasonable charges and conditions for service availability. The commission by rule may set standards for and levels of service-availability charges and service-availability conditions. Such charges and conditions shall be just and reasonable. The commission shall, upon request or upon its own motion, investigate agreements or proposals for charges and conditions for service availability.

7. The utility’s water service availability charges were first established by the FPSC in Order No. 23039, issued June 6, 1990. The water service availability charges have not been revised since that time. These approved charges were based upon projections of the original utility prior to being placed into service.
8. Pursuant to Harbor’s approved tariffs, the water service availability charges for both Main Extension Charges and Plant Capacity Charges are based upon one ERC (equivalent residential connection) set at 350 GPD (gallons per minute). This equates to approximately 10,500 per month (350 gpd x 30 days). Attached
9. Pursuant to Rule 25-30.515, FAC, Equivalent Residential Connection (ERC) means:
  - a. 350 gallons per day
  - b. The number of gallons a utility demonstrates is the average daily flow for a single residential unit, or
  - c. The number of gallons which has been approved by the Department of Environmental Protection for a single residential unit.
10. Based upon the historical actual water usage for the 12 month period October 2016 through September 2017, the average residential water usage for Harbor is 38,751 gallons per month for all existing customers. This average usage is 3.69 times the usage in Harbor’s approved tariffs.

<sup>1</sup> See Order No. 21835, issued September 5, 1989, in Docket No. 890554-WU, In re: Application of Lake Griffin Utilities, Inc. for an original certificate in Lake County.

<sup>2</sup> See Order No. PSC-94-1543-FOF-WU, issued December 13, 1994, in Docket No. 940453-WU, In re: Application for transfer of Certificate No. 522-W from Lake Griffin Utilities, Inc. to Harbor Hills Utilities, L.P. in Lake County.

11. The developer, Harbor Hills Development has been and is currently building and selling homes in the Phase 6 area known as Bella Vista in the Harbor Hills community. The developers formerly owned the utility, Harbor Hills Utility, LP. The developer also installed separate irrigation main lines in Phase 6. The total homes in Phase 6 will be approximately 138 homes. Currently there are approximately 53 residential homes being served by Harbor in Phase 6.
12. These residential homes in Phase 6 have separate irrigation service lines and meters which are connected to the irrigation main. This irrigation main is then interconnected into Harbor's potable water mains in the subdivision.
13. The average irrigation only usage for just these existing homes in Phase 6 for the same 12 month period was approximately 44,000 a month for irrigation water only. This does not include the potable water used for inside the homes, which goes through a separate water meter.
14. During this same period of time there were 41 bills with irrigation consumption over 100,000 gallons. Many of these were new homes built by the developer during this period with usage upwards of 200,000 gallons for irrigation water. This would equate to 3,333 – 6,666 gpd or the equivalent of 9.5 - 19 ERCs
15. Recently through a previous agreement entered into subsequent to the sale of the water system, Harbor purchased the separate irrigation main lines that are currently being utilized to provide water service to the irrigation customers. This is finished potable water from Harbor's water treatment system and distribution mains.
16. Prior to this purchase of the irrigation lines, Harbor was only collecting a meter installation charge for these new homes. Previous to the purchase of these irrigation lines, there was consideration of establishing a separate non-regulated irrigation company; however, this was not pursued and is no longer under consideration.
17. Subsequent to the purchase of the separate irrigation line, the developer requested service availability letters with the appropriate service availability charges for new construction of homes in Phase 6.
18. Harbor sent the requested letter with the appropriate FPSC approved service availability charges for both the potable water connection and the separate irrigation water connection. (See Attached)
19. The developer has contested the separate charges for the irrigation service. Harbor has provided information to the developer and the developer's attorney that it can file a complaint pursuant to Rule 25-30.560, F.A.C.
20. Harbor believes that due to the actual historical usage of both the existing residential customers and the existing residential irrigation customers that additional service

availability charges are warranted based upon the established historical facts that these homes use 3 to 4 times the amount of an average ERC.

21. Thus these irrigation connections are placing additional capacity demands upon the existing water system.
22. Due to the excessive water consumption, Harbor received a letter of non-compliance with its St. Johns River Water Management (SJRWMD) issued consumptive use permit (CUP).
23. Also due to the excessive water consumption, Harbor is in the process of obtaining additional land in order to install a back-up well in order to meet the current demand on the water system in the event one of the existing wells becomes inoperable. The utility would be unable to meet the current demand in the event of such failure without drilling and installing this additional back up well.
24. Harbor is requesting the Commission issue a declaratory statement confirming that at a minimum the second irrigation connection to homes in Phase 6 are subject to the FPSC approved service availability charges including:
  - a. Plant Capacity Charge,
  - b. Main Extension Charge,
  - c. Service Installation Charge,
  - d. Meter Installation Fee, and
  - e. AFPI charge
25. In the event the Commission determines that the separate irrigation connection should not be charged the additional service availability charges, alternatively, Harbor requests that the Commission consider additional Service Availability Charges for all future connections based upon the actual average residential usage of the customers. These additional charges would be based upon multiples of the ERC. For example, future customers would be required to pay 3 – 4 times the existing service availability charges.

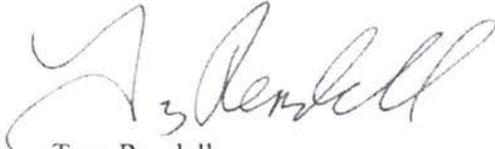
WHEREAS, Section 120.565, F.S., authorizes any substantially affected person to seek a declaratory statement regarding the Commission's opinion as to the applicability of a statutory provision, or of any rule or order of the Commission, as it applies to the petitioner's particular set of circumstances.

WEHAREAS, Section 120.565, F.S., establishes that the petitioner seeking a declaratory statement shall state with particularity the set of circumstances and specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.

WHEREAS, Section 120.565, F.S., provides that the agency (Commission) shall issue a declaratory statement or deny the petition within 90 days after the filing of the petition.

WHEREFORE, HARBOR WATERWORKS, INC. requests this Commission issue a declaratory statement in favor of the petitioner whereby under Section 367.091(4), F.S. and Section 367.101, F.S., Harbor is hereby authorized to charge its FPSC approved service availability charges to the additional irrigation connection.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Troy Rendell". The signature is fluid and cursive, with a large initial "T" and "R".

Troy Rendell  
Manager of Regulated Utilities  
*for Harbor Waterworks, Inc.*

# HARBOR WATERWORKS, INC.

October 25, 2017

Invoice Number: HWI 00053

Kim Smith  
Harbor Hills Development Association  
6538 Lake Griffin Road  
Lady Lake, Florida 32159

RE: Water Connection Fees

This letter is provided to confirm that US Water potable water service is available in the Harbor Hills service area, as exists within our water service territory. The following locations are hereby assessed the connection fees:

Customer Name:	Spec 72
Address:	5180 Greens Drive
Description:	BV 90
Meter Information:	Residential Meter # Irrigation Meter #

**FEES ARE SUBJECT TO CHANGE. YOU MUST CONTACT US TO VERIFY THAT THE AMOUNT QUOTED HEREIN IS STILL IN EFFECT IF NOT PAID IN 30 DAYS FROM DATE OF THIS LETTER.**

To have service connected; the following fees per the Public Service Commission approved tariffs must be paid prior to installation per connection:

**Water:**

Meter Installation Fee	\$ 85.00
Plant Capacity:	\$ 263.00
Service Installation Charge:	\$ 100.00
Main Extension Charge	\$ 457.00
AFPI Charge	\$ 560.92
<b>Total Water Fees</b>	<b>\$ 1,465.92</b>

**Irrigation:**

Meter Installation Fee	\$ 85.00
Plant Capacity:	\$ 263.00
Service Installation Charge:	\$ 100.00
Main Extension Charge	\$ 457.00
AFPI Charge	\$ 560.92
<b>Total Irrigation Fees</b>	<b>\$ 1,465.92</b>
<b>Total Fees</b>	<b>\$ 2,931.84</b>

**Failure to pay connection fees may result in disconnection and meter removal**

5120 Captains Court, New Port Richey, FL 34652  
Mailing: 4939 Cross Bayou Boulevard, New Port Richey, FL 34653  
Tel: (866) 753-8292 Fax: (727) 848-7701

Page 2 of 2  
Kim Smith,  
111016

Please make check payable to **Harbor Waterworks, Inc.**, indicate the service address on your **payment** and send remittance with a copy of this letter to:

Harbor Waterworks, Inc.  
Attn: Joe Gabay  
4939 Cross Bayou Blvd.,  
New Port Richey, FL 34652

If you have any further questions or concerns, please do not hesitate to contact me at either [rderossett@uswatercorp.net](mailto:rderossett@uswatercorp.net) or (727)848-8292.

Sincerely,



Ron Derossett  
Utility Manager