

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Keen ) DOCKET NO. 961007-WU  
Sales & Rentals, Inc. for ) ORDER NO. PSC-97-0152-FOF-WU  
Certificate Under Grandfather ) ISSUED: February 11, 1997  
Rights to Provide Water Service )  
in Polk County. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DIANE K. KIESLING

ORDER GRANTING GRANDFATHER CERTIFICATE, SETTING  
RATES AND CHARGES, REQUIRING FILING OF 1996 ANNUAL  
REPORT AND PAYMENT OF REGULATORY ASSESSMENT FEES  
FOR 1996, AND CLOSING DOCKET

BY THE COMMISSION:

Background

On August 30, 1996, Keen Sales & Rentals, Inc. (Keen Sales or utility) filed an application with this Commission for a certificate under grandfather rights, pursuant to Section 367.171, Florida Statutes. The application was filed after the Board of County Commissioners of Polk County adopted a resolution on May 14, 1996, which made the utilities in the county subject to the provisions of Chapter 367, Florida Statutes.

Keen Sales has been in existence since 1990. The utility's facilities consist of one main well, one backup well, two water treatment plants and the transmission and distribution system. Because the utility's facilities are interconnected, the facilities are considered one water treatment plant and one water transmission and distribution system. According to the application, the utility has the capacity to serve 120 customers. Keen Sales is currently serving 100 residential water customers.

Application

The application is in compliance with Section 367.171, Florida Statutes, and other pertinent states and administrative rules. In particular, the application contains a filing fee in the amount of

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FPSC-RECORDS/REPORTING

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\$200, as required by Rule 25-30.020, Florida Administrative Code. Keen Sales also provided a 99-year lease as evidence that it has continued use of the land upon which its facilities are located, pursuant to Rule 25-30.035(6), Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as required by Rule 25-30.035(9), (10), and (11), Florida Administrative Code. The territory which Keen Sales has requested to serve is shown in Attachment A of this Order, which by reference is incorporated herein.

As stated previously, Keen Sales has been in existence since 1990, providing satisfactory service to its customers in Polk County. According to the Department of Environmental Protection (DEP), there are no outstanding notices of violation against the utility.

Based on the foregoing, we find it appropriate to grant Keen Sales Certificate No. 582-W to serve the territory described in Attachment A of this Order.

#### Rates and Charges

Keen Sales has never had a franchise agreement with Polk County and has never had rates and charges approved by the County. The utility's initial rates and charges were based upon the rates charged by the Haines City Utility Department. The rates contained in the utility's application became effective on January 31, 1996.

Keen Sales' current rates and charges include a pass-through rate increase, which was approved on November 21, 1996, to recognize the difference in regulatory assessment fees charged by Polk County and the Commission. The utility's current rates are as follow:

#### Residential and General Service

##### Monthly Rates

Minimum Charge (includes the first 1,000 gallons):

Meter Size:

5/8" x 3/4" \$ 15.71

Gallage Charge (per 1,000 gallons over the first 1,000 gallons): \$ 1.78

Customer Deposits

Residential: \$ 50.00  
General Service: \$ 50.00

Miscellaneous Service Charges

Violation Reconnection Fee: \$ 25.00

We find these rates and charges to be reasonable and they are approved. Keen Sales shall continue to charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. The utility has filed a tariff which reflects the rates and charges approved herein. The tariff shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.

1996 Regulatory Assessment Fees and Annual Report

Pursuant to Rule 25-30.120(2), Florida Administrative Code, "any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has actually applied for or been issued a certificate" is required to pay regulatory assessment fees. Additionally, Rule 25-30.110(3), Florida Administrative Code, states that "(t)he obligation to file an annual report for any year shall apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate."

Therefore, we find it appropriate to require Keen Sales to pay regulatory assessment fees for 1996 and file a 1996 annual report. Keen Sales shall pay regulatory assessment fees for 1996 and file a 1996 annual report from the jurisdictional date, May 14, 1996, by March 31, 1997.

It is, therefore,

ORDERED by the Florida Public Service Commission that Keen Sales & Rentals, Inc., 685 Dyson Road, Haines City, Florida 33844, is hereby granted Certificate No. 582-W to provide water service to the territory described in Attachment A of this Order. It is further

ORDERED that the rates and charges set forth in the body of this Order are hereby approved. Keen Sales & Rentals, Inc. shall charge these rates and charges until authorized to change by this

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Commission in a subsequent proceeding. Keen Sales & Rentals, Inc.'s tariff, which reflects the rates and charges approved herein, shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets. It is further

ORDERED that Keen Sales & Rentals, Inc. shall file a 1996 annual report from the jurisdictional date, May 14, 1996, by March 31, 1997. It is further

ORDERED that Keen Sales & Rentals, Inc. shall pay regulatory assessment fees for 1996 from the jurisdictional date, May 14, 1996, by March 31, 1997. it is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of February, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Dizon  
Chief, Bureau of Records

( S E A L )

ALC

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 Director, Division of Records and Reporting, 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 Director, Division of Records and Reporting 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.

ATTACHMENT A

KEEN SALES & RENTALS, INC.

TERRITORY DESCRIPTION

The following described lands located in Section 25, Township 27 South, Range 27 East, Polk County, Florida:

The Earlene and Ray Keen Subdivisions:

Township 27 South, Range 27 East, Section 25, the East 1/2 of the Northeast 1/4 of the Northwest 1/4.

The Ellison Park Subdivision:

Commence at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 27 South, Range 27 East, Polk County, Florida, and run South 00° 25' 15" East along West boundary thereof, 45.80 feet to a point on the South right-of-way line of County Road #580; thence North 89° 42' 57" East along said South right-of-way line, 100.00 feet to the Point of Beginning; thence continue North 89° 42' 57" East along said South right-of-way line, 169.58 feet; thence South 00° 25' 15" East, 170.00 feet; thence North 89° 42' 57" East, 225.10 feet to a point on the East boundary of the West 3/4 of the West 1/2 of said Northwest 1/4 of the Northeast 1/4; thence South 00° 25' 31" East along said East boundary 1106.92 feet; thence South 89° 45' 03" West, 494.68 feet; thence North 00° 25' 15" West, 922.42 feet; thence North 89° 48' 25" East, 100.00 feet; thence North 00° 25' 15" West 354.36 feet to the Point of Beginning.