

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
grandfather certificates to
operate a water and wastewater
utility in Polk County by Cypress
Lakes Associates, Ltd.

DOCKET NO. 961334-WS
ORDER NO. PSC-97-0569-FOF-WS
ISSUED: May 20, 1997

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 CERTIFICATES, SETTING RATES
AND CHARGES, REQUIRING CYPRESS LAKES ASSOCIATES, LTD
TO PAY REGULATORY ASSESSMENT FEES FOR 1996 AND FILE A
1996 ANNUAL REPORT, AND CLOSING DOCKET

BY THE COMMISSION:

Background

On November 7, 1996, Cypress Lakes Associates, Ltd. (Cypress Lakes or utility) filed an application with this Commission for grandfather certificates to provide water and wastewater service in Polk County, Florida, 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 Section 367, Florida Statutes.

According to the application, Cypress Lakes has been in existence providing water and wastewater service since 1987. Cypress Lakes currently provides water and wastewater service to approximately 53 residential customers, 707 multi-residential customers, and 5 general service customers in Polk County.

Application

The application is in compliance with Section 367.171, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$2,000, pursuant to Rule 25-30.020, Florida Administrative Code. In addition, Cypress Lakes

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provided a warranty deed as proof that it owns the land upon which the utility facilities are located, in accordance with 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. A description of the territory which Cypress Lakes has requested to serve is shown on Attachment A of this Order, which by reference is incorporated herein.

As stated previously, Cypress Lakes has been providing water and wastewater service to its customers in Polk County since 1987. According to the Department of Environmental Protection, there are no outstanding notices of violation against the utility.

Based on the foregoing, we find it appropriate to grant Cypress Lakes Certificates Nos. 592-W and 509-S to serve the territory described in Attachment A of this Order.

Rates and Charges

The rates and charges currently in effect for Cypress Lakes were approved by Polk County on August 6, 1996. Those rates and charges are set forth below.

WATER
(Monthly Rates)

Residential Service

<u>Base Facility Charge</u>	<u>Amount</u>
<u>Meter Size:</u>	
All Meter Sizes	\$ 3.73
<u>Gallonage Charge (per 1,000 gallons):</u>	
0 - 6,000 Gallons	\$ 0.80
6,001 - 12,000 Gallons	\$ 1.20
Over 12,000 Gallons	\$ 1.60

Multi-Residential Service

<u>Base Facility Charge</u>	<u>Amount</u>
For water service to all master-metered residential customers, including, but not limited to, Condominiums, Apartments, and Mobile Homes.	\$ 3.73
<u>Gallorage Charge (per 1,000 gallons):</u>	
0 - 6,000 Gallons	\$ 0.80
6,001 - 12,000 Gallons	\$ 1.20
Over 12,000 Gallons	\$ 1.60

General Service

<u>Base Facility Charge</u>	<u>Amount</u>
<u>Meter Size:</u>	
5/8" x 3/4"	\$ 3.73
1"	\$ 9.33
1-1/2"	\$ 18.65
2"	\$ 29.84
3"	\$ 55.95
4"	\$ 93.25
6"	\$186.50
<u>Gallorage Charge:</u>	
Per 1,000 Gallons	\$ 0.80

WASTEWATER
(Monthly Rates)

Residential Service

<u>Base Facility Charge</u>	<u>Amount</u>
<u>Meter Size:</u>	
All Meter Sizes	\$ 9.36
<u>Gallonge Charge:</u>	
Per 1,000 Gallons (no cap)	\$ 1.99

Multi-Residential Service

<u>Base Facility Charge</u>	<u>Amount</u>
For wastewater service to all master-metered residential customers including, but not limited to, Condominiums, Apartments, and Mobile Homes.	\$ 9.36
<u>Gallonge Charge:</u>	
Per 1,000 Gallons (no cap)	\$ 1.99

General Service

<u>Base Facility Charge</u>	<u>Amount</u>
<u>Meter Size:</u>	
5/8" x 3/4"	\$ 9.36
1"	\$ 23.40
1-1/2"	\$ 46.80
2"	\$ 74.88
3"	\$140.40
4"	\$234.00
6"	\$468.00
<u>Gallonge Charge:</u>	
Per 1,000 Gallons (no cap)	\$ 1.99

Customer Deposits

Residential and Commercial Service

<u>Meter Size</u>	<u>Water</u>	<u>Wastewater</u>	<u>Total</u>
5/8" x 3/4"	\$ 17.00	\$ 43.00	\$ 60.00
1"	\$ 43.00	\$107.00	\$150.00
1-1/2"	\$ 85.00	\$215.00	\$300.00
2"	\$135.00	\$340.00	\$475.00

Meter Test Deposits

<u>Meter Size</u>	<u>Charge</u>
5/8" x 3/4"	\$ 20.00
1" and 1-1/2"	\$ 25.00
2" and over	Actual Cost

Miscellaneous Service Charges

Initial Connection Fee	\$ 15.00
Normal Reconnection Fee	\$ 15.00
Violation Reconnection Fee	\$ 25.00
Premises Visit Fee	\$ 15.00

Meter Installation Fees

<u>Meter Size</u>	<u>Amount</u>
5/8" x 3/4"	\$125.00
1"	\$150.00
1-1/2"	\$300.00
2"	\$350.00
Over 2"	Actual Cost

We find these rates and charges to be reasonable and they are approved. Cypress Lakes shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. Cypress Lakes has filed a tariff reflecting the rates and charges

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approved herein. The tariff shall be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.

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 has 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 has been issued a certificate." Therefore, we find it appropriate to require Cypress Lakes to pay regulatory assessment fees for 1996 and file an Annual Report for 1996 from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Cypress Lakes Associates, Ltd., 10000 North U.S. Highway 98, Lakeland, Florida 33809, is hereby granted Certificates Nos. 592-W and 509-S to provide water and wastewater service in 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. Cypress Lakes Associates, Ltd., shall charge these rates and charges until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that 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 Cypress Lakes Associates, Ltd. shall pay regulatory assessment fees for 1996 and file a 1996 annual report from the jurisdictional date, May 14, 1996, within 45 days of the date of this Order. It is further

ORDERED that Docket No. 961334-WS is hereby closed.

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By ORDER of the Florida Public Service Commission, this 20th
day of May, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
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.

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CYPRESS LAKES ASSOCIATES, LTD.
WATER AND WASTEWATER SERVICE AREA
POLK COUNTY

Parcel No. 1

That part of Sections 27, 28, 33 and 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Section 34; thence North 00° 48' 40" West along the East line of said Section 34, a distance of 2270.71 feet to the West right-of-way line of State Road No. 700 and No. 35 (U.S. No. 98) as is located this date (6-21-85), thence North 47° 20' 00" West along said West right-of-way line 1294.34 feet to the Point of Curvature of a curve concave to the Northeasterly having a radius of 5809.58 feet and a central angle of 22° 20' 00"; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North 25° 00' 00" West still along said Westerly right-of-way line 610.00 feet; thence South 65° 00' 00" West 600.00 feet; thence South 25° 00' 00" East 410 feet; thence South 65° 00' 00" West 525.00 feet; thence North 37° 30' 00" West 710.00 feet; thence North 84° 30' 00" West 790.00 feet; thence North 45° 00' 00" West 816.46 feet to the centerline of Rock Ridge Road; thence South 26° 18' 39" West along said centerline 49.37 feet; thence South 52° 01' 40" West still along said centerline 957.92 feet; thence South 37° 51' 58" West still along said centerline 754.96 feet; thence South 34° 36' 25" West still along said centerline 969.18 feet to the intersection with the North line of the South 30.00 feet of the Northwest 1/4 of the Northeast 1/4 of aforesaid Section 33; thence South 89° 32' 15" East along said North line 253.93 feet to a point on the West line of the East 60.00 feet of the West 1/2 of the Northeast 1/4 of said Section 33; thence South 00° 34' 50" East along the said West line of the East 60.00 feet, a distance of 1358.98 feet to the South line of the West 1/2 of said Northeast 1/4; thence South 89° 29' 41" East along said South line 60.01 feet to the Southeast corner of the West 1/2 of said Northeast 1/4; thence South 00° 34' 07" East along the West line of the East 1/2 of the Southeast 1/4 of said Section 33, a distance of 2564.11 feet to the Southwest corner of the East 1/2 of said Southeast 1/4; thence North 89° 39' 13" East along the South line of said East 1/2, a distance of 1326.44 feet to the Southeast corner of said Section 33; thence North 89° 22' 37" East along the South line of said Section 34, a distance of 5323.57 feet to the Point of Beginning;

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LESS AND EXCEPT 30.00 feet for right-of-way for Rock Ridge Road.
Said tract containing 710.23 acres, more or less.

Parcel No. 2

That part of Sections 27 and 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 34, thence North $00^{\circ} 48' 40''$ West along the East line of said Section 34, a distance of 2270.71 feet to the West right-of-way line of State Road No. 700 and No. 35 (U.S. No. 98) as is located on the date of 6/21/85; thence North $47^{\circ} 20' 00''$ West along said West right-of-way line 1294.34 feet to the Point of Curvature of a curve concave to the Northeasterly having a radius of 5809.58 feet and central angle of $22^{\circ} 20' 00''$; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North $25^{\circ} 00' 00''$ West still along said Westerly right-of-way line 610.00 feet to the Point of Beginning; thence South $65^{\circ} 00' 00''$ West 600 feet; thence South $25^{\circ} 00' 00''$ East 410.00 feet; thence South $65^{\circ} 00' 00''$ West 525.00 feet; thence North $37^{\circ} 30' 00''$ West 710.00 feet; thence North $84^{\circ} 30' 00''$ West 790.00 feet; thence North $45^{\circ} 00' 00''$ West 816.46 feet to the centerline of Rock Ridge Road; thence North $26^{\circ} 18' 39''$ East along said centerline 1212.81 feet; thence North $62^{\circ} 32' 09''$ East still along said centerline 1293.14 feet to said Westerly right-of-way line of State Road No. 700 and No. 35 (U.S. No. 98); thence South $25^{\circ} 00' 00''$ East along said Westerly right-of-way line 2265.06 feet to the said Point of Beginning. Said parcel containing 95.75 acres, more or less.

LESS AND EXCEPT maintained right-of-way for Rock Ridge Road and that part of Section 27, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 34, Township 26 South, Range 23 East and run North $00^{\circ} 48' 40''$ West along the East line of said Section 34, a distance of 2270.71 feet to the West right-of-way line of State Road No. 700 and No. 35 (U.S. No. 98) as is located on the date of 6/21/85; thence North $47^{\circ} 20' 00''$ West along said West right-of-way line, 1294.34 feet to the Point of Curvature of a curve concave to the Northeast having a radius of 5809.58 feet and central angle of $22^{\circ} 20' 00''$; thence Northwesterly

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along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North 25° 00' 00" West still along said Westerly right-of-way line 2525.06 feet to the Point of Beginning; thence continue North 25° 00' 00" West along said Westerly right-of-way 350.00 feet to the centerline of Rock Ridge Road; thence South 62° 32' 09" West along said centerline 330.00 feet; thence South 25° 00' 00" East 350.00 feet; thence North 62° 32' 09" East 330.00 feet to the said Point of Beginning. Said parcel containing 2.50 acres.