

ORIGINAL

DOCKET NO. 991666-WU - APPLICATION FOR AMENDMENT OF CERTIFICATE NO. 106-W  
TO ADD TERRITORY IN LAKE COUNTY BY FLORIDA WATER SERVICES CORPORATION.

WITNESS: DIRECT TESTIMONY OF CHARLES R. GAUTHIER, APPEARING ON BEHALF OF  
STAFF

DATE FILED: OCTOBER 6, 2000

APP \_\_\_\_\_  
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SEC 1 \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

12809 OCT-68

FPSC-RECORDS/REPORTING

1 DIRECT TESTIMONY OF CHARLES R. GAUTHIER

2 Q. What is your name and business address?

3 A. My name is Charles R. Gauthier, and my business address is 2555 Shumard  
4 Oak Boulevard, Tallahassee, Florida 32399-2100.

5 Q. By whom are you employed and what is your position?

6 A. I am employed by the Florida Department of Community Affairs (DCA) as  
7 Chief of the Bureau of Local Planning.

8 Q. Please explain the responsibilities of your current position.

9 A. My responsibilities include the review of comprehensive plans and  
10 developments of regional impact throughout the state including Lake County.  
11 I supervise 47 professional planners. Approximately 500 comprehensive plan  
12 amendment packages are reviewed each year.

13 Q. How long have you been employed with DCA?

14 A. Approximately seven years. I was appointed Bureau Chief in March of  
15 1999. From October 1994 to March 1999, I served as Growth Management  
16 Administrator. During the 1980s, I was employed by DCA for approximately two  
17 and one half years.

18 Q. How long have you been employed as a professional planner?

19 A. I have been employed in the planning field since 1977 in the areas of  
20 environmental regulation, comprehensive planning, development review and  
21 growth management. A copy of my resume is attached as CRG-1.

22 Q. What is the purpose of your testimony?

23 A. Pursuant to the Memorandum of Understanding between the Public Service  
24 Commission (PSC) and DCA, my staff conducted an analysis of the application  
25 by Florida Water Services Corporation (FWSC) for an expansion of territory.

1 | with respect to issues of concern for DCA. I received the analysis on January  
2 | 13, 2000, and it was forwarded to the PSC with a cover letter dated February  
3 | 2, 2000, from John E. Baker, Community Program Administrator. These documents  
4 | are attached as Exhibit CRG-2.

5 | Q. Were the January 13, 2000 and the February 2, 2000 letters prepared at  
6 | your direction or under your control?

7 | A. Yes, they were prepared under my direction and control.

8 | Q. Could you please summarize your comments regarding FWSC's application?

9 | A. FWSC has applied to the PSC to amend its current potable water service  
10 | territory in Lake County, Florida. FWSC currently provides potable water to  
11 | an area in the southwestern part of Lake County and wishes to add an area that  
12 | is adjacent to its existing service territory. The proposed territory  
13 | expansion is located northeast of the City of Groveland. Although the area  
14 | is designated by the Lake County comprehensive plan as Rural, approximately  
15 | 500 acres is vested for development (300-400 dwelling units). However, this  
16 | area does contain a significant amount of wetlands.

17 | Q. Are you aware that the City of Groveland (City) has filed a protest to  
18 | FWSC's application asserting that the City has the right to serve the disputed  
19 | territory?

20 | A. Yes. DCA is aware of the City's protest and assertions. The City has  
21 | objected to this application, stating that it would expand FWSC into the  
22 | City's utility district. The utility district was designated through a local  
23 | ordinance adopted by the City in May of 1999. The Public Facilities Element  
24 | of the Groveland Comprehensive Plan makes references to areas outside of the  
25 | city limits where potable water service is currently provided. However, there

1 | are no clear guidelines or criteria set forth in the comprehensive plan that  
2 | could be used to select or identify potential areas outside of the City that  
3 | could be afforded these services. This area is not specifically identified  
4 | in the City's comprehensive plan as a potential service area. Although DCA  
5 | staff understands and has evaluated the concerns raised by the City, DCA staff  
6 | does not recommend any objections to the application of FWSC. The City  
7 | utility district includes approximately 94 square miles (50 square miles south  
8 | of the city limits and 44 square miles north of the city limits) of  
9 | unincorporated Lake County designated as rural, suburban and even areas in the  
10 | Green Swamp. Without any proper controls, DCA may not be supportive of the  
11 | City's desires to serve such a vast area with urban services.

12 | Q. Does the DCA have any concerns with regard to FWSC serving the disputed  
13 | territory?

14 | A. No.

15 | Q. Does that conclude your testimony?

16 | A. Yes, it does.

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## **CHARLES R. GAUTHIER, AICP**

1780 COPPERFIELD CIRCLE • TALLAHASSEE, FLORIDA 32312 • 850-894-2252

### **EXPERIENCE**

#### **FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

*Chief Bureau of Local Planning, March 1999 to Present*

Responsible for compliance decisions on local comprehensive plans, sufficiency determinations on evaluation and appraisal reports and approval of developments of regional impact throughout Florida. Also responsible for area of critical state concern program. Supervise 54 employees.

#### **FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

*Growth Management Administrator, October 1994 to March 1999*

Responsible for review of local governmental comprehensive plans, evaluation and appraisal reports, developments of regional impact and other planning documents within the areas of Northeast, East Central, Treasure Coast and Southwest Florida Regional Planning Councils. Responsible for drafting proposed legislation including optional sector plans and service as expert witness. Supervise 18 employees.

#### **LEE COUNTY DIVISION OF ZONING**

*Zoning Manager, April 1990 to September 1994*

Responsible for review of developments of regional impact, planned developments, rezonings, special exceptions and variances. Presented more than 300 cases to Hearing Examiner and Board of County Commissioners. Extensive experience with master planned communities, commercial centers, marinas and public facilities including Southwest Florida International Airport, Lee County Energy Recovery Plant and Florida Gulf Coast University. Supervised ten employees. (Position reclassified from Principal Planner in October 1993.)

#### **WILSON, MILLER, BARTON AND PEEK, INC., NAPLES, FLORIDA**

*Senior Planner, June 1989 to April 1990*

Responsible for land planning consulting including preparation and presentation of applications for developments of regional impact, planned developments, rezonings and site plan approval, assessments of site development potential, liaison with government and clients. Supervised one employee.

#### **COLLEGE OF SOUTHWEST FLORIDA, NAPLES, FLORIDA**

*Instructor, April 1989 to June 1989*

Responsible for teaching course "Familiarization with the Comprehensive Plan and Zoning Ordinance of the Unincorporated Area of Collier County."

#### **COLLIER COUNTY GROWTH MANAGEMENT DEPARTMENT**

*Manager of Comprehensive Planning, December 1988 to June 1989*

Responsible for formation of department and conduct of land use, transportation and technical planning. Supervised 13 employees.

#### **COLLIER COUNTY PLANNING/ZONING DEPARTMENT**

*Chief of Long Range Planning, October 1985 to December 1988*

Responsible for implementation of existing Collier County Comprehensive Plan and preparation of Growth Management Plan. Prepared Immokalee Area Master Plan. Supervised five employees.

#### **FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

*Planning Manager, Bureau of State Planning, August 1984 to October 1985*

Assisted implementation of Resource Management Plans for Hutchinson Island, Charlotte Harbor and the Suwannee River including working closely with local governments on revisions to comprehensive plans and land development regulations. Supervised three employees.

#### **FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

*Planner II, October 1983 to August 1984*

Assisted initiation of Kissimmee River Resource Planning and Management Committee and

implementation of Green Swamp and Big Cypress Areas of Critical State Concern.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

*Environmental Specialist III, Office of the Secretary, October 1981 to July 1983*

Assisted agency responsibilities on broad range of environmental policy issues including use of pesticides, water quality standards, outstanding Florida waters and water management district programs.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

*Environmental Specialist II, Office of Director of Environmental Programs, June 1980 to October 1981*

Duties related to major initiative to eliminate surface water discharges from sewage wastewater treatment plants in Orange and Osceola Counties.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

*Environmental Specialist I, Bureau of Water Management, November 1977 to June 1980*

Duties related to state comprehensive planning, water management district planning, water quality planning, state public works program and legislative monitoring. Emphasis on south Florida water management.

## EDUCATION

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FLORIDA STATE UNIVERSITY

*Master of Science, Geography, June 1976 to August 1977*

Achieved Master of Science with specialization in spatial analysis of land use. The program of study was interdisciplinary and emphasized applicable skills including statistics, remote sensing, computer mapping, feasibility analysis, environmental hazards, environmental policy, planning legislation, transportation planning and environmental law. Graduate level courses completed in College of Business, College of Law and Departments of Urban and Regional Planning and Geography.

UNIVERSITY OF SOUTH FLORIDA

*Bachelor of Arts, Geography, August 1972 to March 1976*

Achieved Bachelor of Arts degree with emphasis on physical geography. Course work included meteorology, climatology, hydrology, physiography, geology, ecology, conservation, photo interpretation and cartography.

## PROFESSIONAL AFFILIATIONS

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MEMBER OF AMERICAN PLANNING ASSOCIATION SINCE 1986

MEMBER OF AMERICAN INSTITUTE OF CERTIFIED PLANNERS SINCE 1988



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

STEVEN M. SEIBERT  
Secretary

February 2, 2000

Ms. Billie Messer  
Florida Public Service Commission  
Division of Water And Wastewater  
2540 Shumard Oak Boulevard  
Tallahassee, Fl.32399-0850

Re: Public Service Commission Utilities Expansion Application  
Florida Water services Corp., Lake Co.; PSC Docket No. 991666-WU

Dear Ms. Messer:

The Department of Community Affairs has completed its review of the Florida Water Services Corporation's application to amend its current potable water service territory in Lake County, Florida, as mentioned in the above referenced application. A copy of staff's review of the application is attached.

The Department has no objections to the application. However, the City of Groveland does have some concerns with the application. These concerns are mentioned in the attached memorandum.

If you have any questions regarding our comments, please contact me at (850) 487-4545.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Baker", written over a horizontal line.

John E. Baker  
Community Program Administrator

cc: Jason Yarborough, City Manager, City of Groveland  
Sharon Farrell, Director, Lake County Planning and Development Department

**RECEIVED**

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32309-2900  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

FEB 3 - 2000  
Florida Public Service Commission  
Division of Water and Wastewater

*consent*



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Helping Floridians create safe, vibrant, sustainable communities"*

JEB BUSH  
Governor

STEVEN M. SEIBERT  
Secretary

**MEMORANDUM**

To: Charlie Gauthier <sup>CG</sup> Bureau Chief

Through: Mike McDaniel, Growth Management Administrator <sup>MDM</sup>  
John E. Baker, Community Program Administrator <sup>1-14-00</sup>

From: Gerald Goosby, Planning and Evaluation Specialist

Date: January 13, 2000

Subject: Public Service Commission Utilities Expansion Application  
Florida Water Services Corp., Lake Co.; PSC Docket No. 991666-WU

**Comment due to PSC January 31, 2000**

Summary

Florida Water Services Corporation has applied to the Public Service Commission to amend its current potable water service territory in Lake County, Florida. Florida Water Services currently provides potable water to an area in the southwestern part of Lake County and wishes to add an area that is adjacent to its existing service territory.

Description of Proposed Expansions

**Township 22 South, Range 25 East**

- Section 2: Currently classified under the Rural (1 du/5ac) land use category; occupied by existing residential development.
- Section 3: Currently classified under the Rural (1du/5ac) land use category; new residential development proposed for property in the near future.
- Section 4: Currently classified under the Rural (1du/5ac) land use category; northern part of the section contains existing development while Cherry Lake occupies the rest of

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
Internet address: <http://www.state.fl.us/comaff/>

the property.

**Township 21 South, Range 25 East**

Section 33: Currently classified under the Rural (1 du/5ac) land use category; occupied by existing residential development (Buena Vista Estates).

Section 34: Currently classified under the Rural (1 du/5ac) land use category; occupied by existing residential development.

**Consistency with County's Comprehensive Plan**

The proposed territory expansion is located northeast of the City of Groveland. The area is designated by the Lake County comprehensive plan as Rural (1 du/5ac). However, a significant amount of the area is vested for development at densities greater than 1 du/5ac. Also, the county has recently approved a large clustered development in this area encompassing approximately 600 acres. Staff has contacted the Lake County planning staff and the County's staff does not oppose the proposed amendment to the Florida Water Service Corporation service territory in this area. However, County staff did say that there would some concerns the services were provided by the City of Groveland due to the fact that Groveland would have to run its water lines through a vast amount of suburban/rural area in order to get to the serve this area.

**City of Groveland's Concerns**

The City of Groveland has voiced its concerns with the application to amend the FWSC service territory. In a letter to the Department dated November 15, 1999, the City stated that the application would expand FWSC into Groveland's utility district. The City went on to mention that it had worked with an engineering firm for several months on placing a 12" water main in the same area that FWSC is filing to include in their territory. However, based on a discussion with the City, staff has learnt that Groveland's water lines are a good distance away from the area.

The Public Facilities Element of the Groveland Comprehensive Plan makes references to areas outside of the city limits where potable water service is currently provided. However, there are no clear guidelines or criteria set forth in the comprehensive plan that could be used to select or identify potential areas outside of the City that could be afforded these services, neither is this area specifically identified in the City's comprehensive plan as a potential service area. According to the city manager, the area has been designated as part of Groveland's utility district through a local ordinance. The city adopted this ordinance in May 1999.

**Conclusion and Recommendation**

The proposed amendment to the service territory of the Florida Water Service Corporation will provide water to vested developments in proposed service area consistent with vested development plans. Although, staff understands and has evaluated the concerns raised by the City of Groveland, staff does not recommend any objections to the application. The Groveland utility district includes a significant amount of unincorporated Lake County

designated as rural, suburban and even areas in the Green Swamp. Without any proper controls, the Department may not be supportive of Groveland's desires to serve such a vast area with urban services.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment  
of Certificate No. 106-W to add  
territory in Lake County by  
Florida Water Services  
Corporation.

DOCKET NO. 991666-WU  
ISSUED: OCTOBER 6, 2000

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of Direct  
Testimony of Charles R. Gauthier has been furnished by U.S. Mail  
this 6th day of October, 2000 to Suzanne Brownless, Esquire, 1311-B  
Paul Russell Road, #201, Tallahassee, Florida 32301-4860.

*Samantha M. Cihula for*  
Patty A Christensen, Senior Attorney  
Fla. Bar No.: 326534  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(850) 413-6220