

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Declaratory) DOCKET NO. 910078-WS
Statement relating to jurisdiction) ORDER NO. 24335
of the Florida Public Service) ISSUED: 4-8-91
Commission over Jacksonville)
Suburban Utilities Corporation in)
Duval, Nassau, and St. Johns)
Counties.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASELY
GERALD L. GUNTER
MICHAEL WILSON

ORDER GRANTING JACKSONVILLE SUBURBAN UTILITIES CORPORATION'S PETITION FOR DECLARATORY STATEMENT

BY THE COMMISSION:

By petition dated January 18, 1991, Jacksonville Suburban Utilities Corporation (Jacksonville Suburban) has asked that we issue a Declaratory Statement determining the rights and status of Jacksonville Suburban, specifically as to whether this Commission has exclusive jurisdiction over the water and wastewater facilities owned and operated by Jacksonville Suburban in Duval, Nassau, and St. Johns counties.

Pursuant to Commission authorization, Jacksonville Suburban currently provides water and wastewater utility services in Duval and St. Johns counties and is constructing facilities for such service in Nassau County. Certificate Nos. 236-W, 179-S (Duval); 530-W, 463-S (Nassau County); 475-W, 411-S (St. Johns).

In Order No. 22330, dated September 20, 1989, the Commission acknowledged the resolution by the Board of County Commissioners of St. Johns County, dated September 19, 1989, rescinding FPSC jurisdiction over private water and wastewater utility companies whose systems are located exclusively in St. Johns County. The question posed by the petition is whether Jacksonville Suburban's utility services in St. Johns County are now properly subject to regulation by the county or whether pursuant to section 367.171(7), Florida Statutes (Supp. 1990), exclusive jurisdiction resides within the Commission.

DOCUMENT NUMBER-DATE

03370 APR -8 1991

FPC-RECORDS/REPORTING

Discussion

We find that the Petition should be granted. Exclusive jurisdiction resides within this Commission pursuant to section 367.171(7) to regulate Jacksonville Suburban's water and wastewater services in St. Johns, Duval, and Nassau counties.

Section 367.171(1), Florida Statutes (Supp. 1990), provides that, in pertinent part,

(7) Notwithstanding anything in this section to the contrary, the Commission shall have exclusive jurisdiction over all utility systems whose service transverses county boundaries, whether the counties involved are jurisdictional or non-jurisdictional.

In turn, section 367.021(11), Florida Statutes, defines the term "system" as:

[F]acilities and land used or useful in providing service and, upon a finding by the commission, may include a combination of functionally related facilities and land.
[e.s.]

Based on facts adduced by the petitioner, which have not been controverted, we find, in granting the petition, that Jacksonville Suburban's combination of functionally related facilities and land is indeed a utility system whose service transverses county boundaries and is, therefore, subject to this Commission's exclusive jurisdiction.

Among the facts thus presented in support of the petition are the following: Jacksonville Suburban's facilities in Duval, Nassau, and St. Johns counties are managed from a single centrally located office. Officers and personnel responsible for management, engineering, accounting, maintenance, customer service representation, laboratory testing, and administrative support are the same for the utility's operations in all three counties. Staffing, planning, and budgeting are done on a system-wide basis rather than county by county. Operating costs do not vary materially from county to county and rates are uniform throughout the utility's service area. (See, Petition, ¶ 13, a-p.).

The efficiencies of system-wide operations and cost savings due to system-wide accounting, data processing and administration are consistent with the purpose of section 367.171(7). Such efficiencies and cost-savings might be jeopardized if Jacksonville

ORDER NO. 24335
DOCKET NO. 910078-WS
PAGE 3

Suburban's utility services continue to be subject to different regulatory oversight in St. Johns county than in Duval and Nassau. Because the facts warrant application of section 367.171(7), the uniform rate regulation and other benefits of oversight by one regulatory agency will be realized and the potential conflicts of dual oversight will be avoided.

In view of the above, it is

ORDERED by the Florida Public Service Commission that the Petition for Declaratory Statement by Jacksonville Suburban Utilities Corporation is hereby granted and that the water and wastewater services of Jacksonville Suburban Utilities Corporation and St. Johns County are subject to the exclusive jurisdiction of this Commission. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 8th
day of April, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RCB

0107

by: Kay Flynn
Chief, Bureau of Records

COMMISSIONERS J. TERRY DEASON AND GERALD L. GUNTER DISSENTED FROM THE COMMISSION'S DECISION REGARDING THIS PETITION FOR DECLARATORY STATEMENT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

ORDER NO. 24335
DOCKET NO. 910078-WS
PAGE 4

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 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 or sewer 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.