

M E M O R A N D U M

October 7, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (CROSBY) *mod*
RE: DOCKET NO. 910600-WS - APPLICATION OF C & H UTILITIES,
INC. FOR A WATER CERTIFICATE IN HIGHLANDS COUNTY

25201

Attached is an Order Granting Certificate to be issued in
the above-referenced Docket. (Number of Pages in Order - 6)

alc

Attachment

cc: Division of Water and Wastewater
(Von Fossen)

DOCUMENT NUMBER-DATE

10102 OCT 11 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of C & H Utilities,) DOCKET NO. 910600-WU
Inc. for a water certificate in Highlands) ORDER NO. 25201
County.) ISSUED: 10/11/91
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
MICHAEL MCK. WILSON

ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Background

On May 16, 1991, C & H Utilities, Inc. (C & H or Utility) filed an application with this Commission for a certificate to provide water service in Highlands County. C & H holds Certificate No. 423-S in Highlands County, providing wastewater service to approximately 45 homes in the Valencia Acres Subdivision.

The original developer began operating the water system in 1988. At that time, the developer was not aware of this Commission's jurisdiction. In May, 1989, the water system was signed over to C & H without charge. According to C & H, it delayed filing its application for a water certificate until the Utility was assured of having clear title to the plant site.

When C & H began operating the water system in 1989, it continued the rates and charges implemented by the developer. Since C & H filed the application for a certificate on its own initiative, we will not institute show proceedings against the Utility for operating the system without a certificate.

Application

Except as discussed in the background section of this Order, the application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules regarding an existing system charging for service. With its application, C & H submitted a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code. The Utility also provided proof that it owns the land upon which its

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facilities are located, as required by Rule 25-30.034(1)(e), Florida Administrative Code.

C & H provided adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.034(1)(h), (i) and (j), Florida Administrative Code. The territory requested by the Utility is described in Attachment A of this Order, which by reference is incorporated herein.

In addition, C & H filed proof of its compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to the customers in the territory. No objections to the application have been received and the time for filing such has expired.

The President of C & H, Mr. Short, has been in the utility business for approximately 15 years. Mr. Short has owned and operated the Hickory Ridge water system since 1989; thus, he has demonstrated that he has the technical ability to continue to operate the water system in Highlands County. Also, from information submitted with the application, it appears that Mr. Short has the financial ability to continue the operation of the water system. In addition, according to the Department of Environmental Regulation, there are no outstanding violations against the Utility.

Based on the foregoing, we find that it is in the public interest to grant C & H Certificate No. 536-W to serve the territory described in Attachment A of this Order.

Rates and Charges

The water rates and charges currently being charged by C & H are as follows:

Residential Service - Monthly Rates

Minimum Charge - \$10.00 (Includes 4,500 gallons)
Gallage Charge - \$1.00 per 1,000 Gallons over 4,500
Gallons

System Capacity Charge

\$500 Per Connection

These rates and charges were implemented by the original owner in 1988 and were based upon rates charged by other utilities in the area. We find these rates and charges to be reasonable and they are approved. C & H shall continue to charge these rates and charges until authorized to change by the Commission.

The Utility has lines in place for the 64 lots within the service area. According to C & H's Service Availability Policy, all lots will be connected to the system upon payment of the \$500 charge. The Utility does not have initial deposits or miscellaneous service charges and none are approved herein.

C & H has filed a tariff which reflects the above rates and charges. 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

According to Rules 25-30.110(3) and 25-30.120(2), Florida Administrative Code, a utility subject to Commission jurisdiction during any year must file annual reports and pay regulatory assessment fees for that year whether or not it has applied for or been issued a certificate. C & H's water system has been subject to this Commission's jurisdiction since April, 1988. When an existing utility is granted a certificate, it is our practice to require the utility to file an annual report and pay regulatory assessment fees for the previous year. Therefore, C & H shall file an annual report and pay regulatory assessment fees for 1990 within 45 days of the date of this Order.

It is, therefore,

ORDERED by the Florida Public Service Commission that C & H Utilities, Inc., Post Office Box 1088, Sebring, Florida 33871, is hereby granted Certificate No. 536-W to serve the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that C & H Utilities, Inc. shall charge the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

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ORDERED that the tariff, filed by C & H Utilities, Inc., 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 C & H Utilities, Inc. shall file an annual report for 1990 within 45 days of the date of this Order. It is further

ORDERED that C & H Utilities, Inc. shall pay regulatory assessment fees for 1990 within 45 days of the date of this Order. It is further

ORDERED that Docket No. 910600-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of OCTOBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

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.

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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.

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ATTACHMENT A

C & H UTILITIES, INC.

Territory Description

The following described lands located in Section 13, Township 35 South, Range 29 East, Highlands County, Florida:

Hickory Ridge Subdivision

The Southwest 1/4 of the Southeast 1/4 of Section 13, and the Southeast 1/4 of the Southeast 1/4, less that part lying North and East of the S.C.L. Railroad and the South 1/2 of the Southwest 1/4 of the Southeast 1/4.