


MEMORANDUM

November 19, 2007

TO: OFFICE OF COMMISSION CLERK

FROM: OFFICE OF THE GENERAL COUNSEL (JAECER) 

RE: DOCKET NO. 070109 – Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities. LLC).

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DIRECT TESTIMONY WITH EXHIBIT OF SUZANNE K. LEX, ON BEHALF OF THE FLORIDA PUBLIC SERVICE COMMISSION.

RRJ/th  
Attachment

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).	DOCKET NO. 070109-WS FILED: November 19, 2007
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Direct Testimony with exhibit of Suzanne K. Lex, on behalf of the Florida Public Service Commission, has been furnished by U.S. Mail, this 19<sup>th</sup> day of November, 2007, to the following:

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Telephone: (850) 413-6234

*DOCKET NO.070109-WS*

*WITNESS: Direct Testimony Of Suzanne K. Lex  
Appearing On Behalf Of Staff*

*DATE FILED: November 19, 2007*

DOCUMENT NUMBER-DATE

10388 NOV 19 5

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1 DIRECT TESTIMONY OF SUZANNE K. LEX

2 Q. Please state your name and business address.

3 A. My name is Suzanne K. Lex. My business address is 2555 Shumard Oak Boulevard,  
4 Tallahassee, Florida 32399-2100.

5 Q. By whom are you employed?

6 A. I am employed by the Florida Department of Community Affairs (DCA), in the Bureau  
7 of Comprehensive Planning.

8 Q. Could you please summarize your educational background and work responsibilities?

9 A. My educational background includes several degrees from the University of Delaware:  
10 Bachelor of Arts in History – 1984, Bachelor of Arts in Sociology – 1990, and Secondary  
11 Education Certification in Social Studies – 1990. I also have taken some masters courses in  
12 Business Administration – Troy State University (6 Credit Hours) and Gifted and Talented  
13 Education - Barry University (9 Credit Hours).

14 My work experience in the area of planning includes employment as a Senior  
15 Development Review Planner with the Monroe County Planning Department from 1991-1995;  
16 a Planner with the Monroe County Growth Management Division from 2003-2005; and a  
17 Community Planner with the State of Florida Department of Community Affairs from 2006 to  
18 the present. In my current position my responsibilities include the review of comprehensive  
19 plan amendments for three counties in northeast Florida and two counties in southwest  
20 Florida, including Charlotte County. I conduct compliance reviews of proposed and adopted  
21 amendments in accordance with the Florida Statutes and the Florida Administrative Code.  
22 Other duties include the preparation of written reports, completion of oral presentations,  
23 internally, as well as to local governments. As necessary I provide technical assistance to  
24 citizens, local governments and agencies.

25 Q. Are you familiar with the utility's filing in this docket?

DOCUMENT NUMBER-DATE

10388 NOV 19 5

FPSC-COMMISSION CLERK

1 A. Yes, it is my understanding that Sun River Utilities, Inc. (former MSM Utilities, LLC)  
2 has applied to the Public Service Commission to extend water and wastewater utilities in the  
3 northern part of Charlotte County.

4 Q. What is the purpose of your testimony in this proceeding?

5 A. Pursuant to a Memorandum of Understanding executed between the Department of  
6 Community Affairs and the Public Service Commission the Department provides comments  
7 on information from the local comprehensive plan and the need for services in the requested  
8 territory.

9 Q. Could you address the utility's amendment application and the Charlotte County  
10 Comprehensive Plan?

11 A. First some background regarding the Charlotte County Comprehensive Plan. The  
12 Charlotte County Comprehensive Plan generally classifies lands as inside of the Urban  
13 Service Boundary and those outside of the Urban Services Boundary. Within the Urban  
14 Service Boundary is the service area that will support urban services such as roads, water and  
15 sewer systems, parks, schools and fire and police protection and that create flourishing places  
16 to live, work and play. The Urban Service Boundary is one of the tools used to protect farms  
17 and forests from urban sprawl and to promote the efficient use of land, public facilities and  
18 services inside the boundary.

19 Sun River Utilities has applied for a utility service area in Charlotte County. The  
20 proposed service area is located in the northern part of the County and is divided by US 17  
21 (Duncan Road). A small portion of the proposed service area is on the west side of US 17 and  
22 is located within the Urban Service Area. The majority of land within the proposed service  
23 territory is adjacent to and East of US 17, and is contiguous but outside of the northern  
24 boundaries of the Charlotte County Urban Service Area. In addition, the amount of proposed  
25 development which the utility would support has not been quantified. The area which Sun

1 River Utility has applied to serve is not an area which Charlotte County has identified to  
2 expand services and allow for increases in development. The applicant states there is an  
3 immediate and growing need for potable water and wastewater service in the proposed service  
4 territory, but insufficient supporting documentation was provided. The County wants to  
5 encourage development of higher density, residential, commercial and industrial uses so that  
6 public facilities may be provided in an efficient and economical manner. The lack of  
7 infrastructure within the proposed development area and the expansion of services outside the  
8 designated service area are not consistent with the County's Comprehensive Plan. An  
9 incremental expansion of the Urban Service Boundary would contribute to the proliferation of  
10 urban sprawl.

11 Q. Can you be more specific?

12 A. Chapter 9, Potable Water and Sanitary Sewer, of the adopted 2010 Charlotte County  
13 Comprehensive Plan, states that the provision of water and wastewater facilities is an integral  
14 part of the Charlotte County's Urban Service Area strategy identified in the Future Land Use  
15 Element. Policies adopted within Chapter 1, the Future Land Use Element, of the 2010  
16 Charlotte County Comprehensive Plan, support the Department conclusion that the granting of  
17 a new utility service outside of the designated Urban Service Area is not consistent with the  
18 adopted Plan.

19 The following objectives and policies support the Department's conclusion that the  
20 extension of utilities beyond the existing Urban Boundary is premature and may promote  
21 urban sprawl.

22 Objective 1.1 (Urban Service Area): The Urban Service Area strategy will direct the  
23 timing, location, density and intensity of development and through the provision of  
24 infrastructure throughout Charlotte County so that urbanized development is directed towards  
25 the Urban Service Infill Areas. This Objective is further defined by Policy 1.1.1 which

1 identifies the two infill sub-areas: Urban Service Area and Suburban Service Area, as shown  
2 on Exhibit SKL-1 which is attached to my testimony. In addition, this Policy identifies that  
3 development in the Suburban Sub-Area is expected to receive a higher level of urban services  
4 and infrastructure once a need develops beyond the 2020 planning horizon. Policy 1.1.3  
5 establishes that capital improvements within the Infill Area are a priority to promote infill.  
6 Furthermore, Policy 1.1.10 requires that any increase in the Urban Service Area does not  
7 constitute or promote the expansion of urban sprawl.

8           The following policies contained in Chapter 8, Potable Water and Sanitary Sewer, of  
9 the Charlotte County 2010 Comprehensive Plan, support the County's growth strategies  
10 detailed in the Future Land Use Element. Policy 9.1.1 states that utilities are encouraged to  
11 extend central potable water and sanitary sewer to Infill Areas in accordance with the Urban  
12 Service Area strategy. Pursuant to Policy 9.1.4, certified areas will not be extended or  
13 expanded for potable water or sanitary sewer service outside of the Infill Area boundaries.  
14 Exceptions shall be made in the case of New Communities or Developments of Regional  
15 Impact in West County, Mid County or South County or Rural Communities in East County;  
16 or in the case where utilities will provide both central potable water and sanitary sewer service  
17 in tandem manner within the Urban Service Area.

18 Q.    Has the county proposed any amendments to the Comprehensive Plan which would  
19 expand the Urban Services boundary to include the area East of US 17 encompassed by this  
20 application for amendment of Certificate filed by Sun River?

21 A.    No.

22 Q.    Does this complete your testimony?

23 A.    Yes, it does.

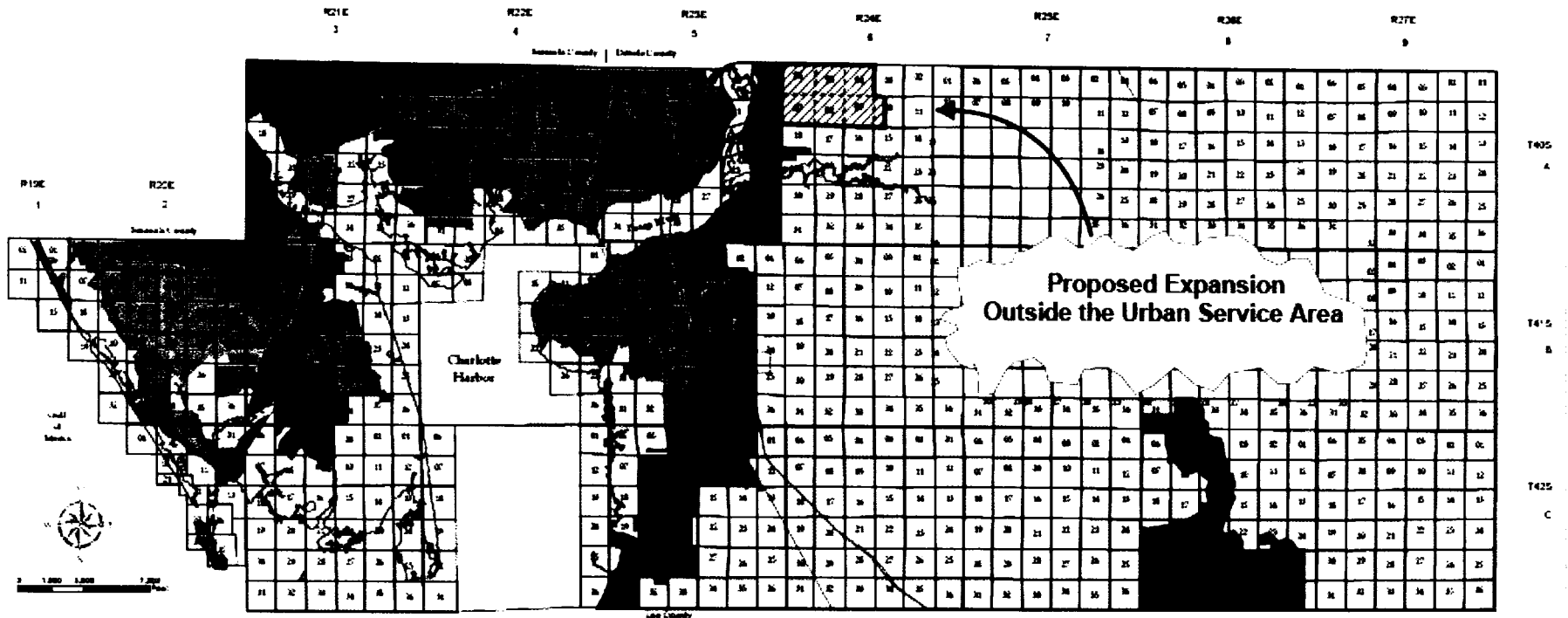
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Charlotte County  
 Community Development  
 LAND INFORMATION SECTION

Map Number 2—Future Land Use Map Series

# Urban Service Area Overlay



**Infill Area**

Infill Areas are those areas which have already experienced moderate to significant levels of urban development. In order for an area to be designated as infill, it must have obtained in general a 30% buildout density. The majority of existing urban services and infrastructure are concentrated within these areas, and include central potable water and wastewater treatment, road and drainage construction and maintenance, public education facilities, parks, libraries, and higher levels of police, fire, and emergency medical services.

**Suburban Area**

Suburban Areas are, for the most part, undeveloped platted lands and parcels, however, there are scattered homes and businesses located in the areas. Service levels within Suburban areas are planned to be very low because the majority of development is to be directed to Infill Areas. Once Infill Areas become more fully developed, a need will exist for additional developable land. That need will be filled by redesignating land located in Suburban Areas as Infill Areas.

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantee, implied or otherwise as to its use. This is not a survey or is it to be used for design.

Draft Date 04/17/06 mlh