

STATE OF FLORIDA

COMMISSIONERS:
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DIVISION OF ENGINEERING
TOM BALLINGER
DIRECTOR
(850) 413-6910

Public Service Commission

September 28, 2017

Ms. Carla Smalley
Lake Talquin Water Company, Inc.
24396 Lonestar Court
Tallahassee, FL 32310

Re: Docket No. 20170171-WS - Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.

Dear Ms. Smalley:

The Board of County Commissioners of Leon County (County) adopted Resolution No. R17-12 on June 20, 2017. The resolution transferred jurisdiction over privately-owned water and wastewater utilities in Leon County to the Florida Public Service Commission (FPSC or Commission), effective the date the County voted on the resolution. A copy of the Commission's order acknowledging the transfer of jurisdiction is enclosed.

The FPSC is a state agency which provides service regulation over the provision of service to utility customers, and economic regulation over utility rates and charges pursuant to Chapter 367, Florida Statutes (F.S.). Our jurisdiction is separate and distinct from the jurisdiction of the Florida Department of Environmental Protection and your local water management district. Please be aware that you may not change any rate or charge, extend or delete any territory, acquire another utility, transfer your utility or majority control of your utility, or change the name of your utility without prior Commission approval.

You are entitled to receive a grandfather certificate for the area you are currently serving if you file an application by November 30, 2017. Pursuant to Rule 25-30.035, Florida Administrative Code (F.A.C.), the application must include, among other things, a map and legal description of the existing service area and tariffs listing all existing rates and charges. In addition, the application must be accompanied by a filing fee, as provided by Rule 25-30.020(2)(d), F.A.C. The Commission's Rules can be found on the Department of State's website at: <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=25-30>

If a utility fails to register with the FPSC within the prescribed time, the FPSC requires that utility apply for an original certificate of authorization in accordance with Chapter 367, F.S., which is a more rigorous and expensive application. Therefore it is important for you to take advantage of your right to file a grandfather certificate application on or before November 30, 2017.

Ms. Carla Smalley
September 28, 2017
Page 2

An application form and model tariff, in PDF format, may be downloaded from the Commission's website at:

<http://www.floridapsc.com/Files/WORD/Utilities/WaterAndWastewater/Current%20Draft%20Form%20PSC%201003.doc>

The application and filing fee should be mailed to:

Director, Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

In addition, regardless of whether you have filed an application or whether or not the application has been approved, your utility has been subject to FPSC regulation since June 20, 2017. Therefore, you will be required to file an annual report for 2017 pursuant to Rule 25- 30.110, F.A.C., and remit 4.5 percent of your gross utility revenues to the Commission as regulatory assessment fees (RAFs) effective the date a certificate is issued pursuant to Rule 25-30.120, F.A.C. If you are not collecting RAFs for payment to the County, or if you are collecting less than 4.5 percent of your gross revenues, you are entitled to file for a pass through of RAFs. If you have any questions or need any assistance completing the application, please contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at mwatts@psc.state.fl.us. If you have any questions about annual reports, please contact Mr. Curt Mouring by phone at (850) 413-6427 or email at cmouring@psc.state.fl.us. If you have any questions about RAFs, please contact Ms. Toni McCoy by phone at (850) 413-6532 or email at tmccoy@psc.state.fl.us.

Sincerely,



Melinda Watts
Engineering Specialist
Division of Engineering

MW:tj

cc: Office of Commission Clerk (DN 20170171-WS)

Enclosure

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.

DOCKET NO. 20170171-WS
ORDER NO. PSC-2017-0357-FOF-WS
ISSUED: September 20, 2017

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman
ART GRAHAM
RONALD A. BRISÉ
DONALD J. POLMANN

ORDER ACKNOWLEDGING RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY DECLARING LEON COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

Background

On June 20, 2017, the Board of County Commissioners of Leon County (County) passed and adopted Resolution No. R17-12 (Resolution, Attachment A), transferring regulation of the privately-owned, for profit water and wastewater utilities in the County to this Commission. Effective upon the adoption of the resolution, all non-exempt water and wastewater systems in the County became subject to the provisions of Chapter 367, Florida Statutes (F.S.). Therefore, the effective date of the transfer of jurisdiction is June 20, 2017. This Order addresses the acknowledgement of that Resolution. We have jurisdiction pursuant to Section 367.171, F.S.

Decision

On June 20, 2017, the Board of County Commissioners of Leon County passed and adopted Resolution No. R17-12, which transfers jurisdiction over the County's privately-owned water and wastewater utilities to this Commission. The Resolution contained a list of the privately-owned water and wastewater utilities, which were regulated by Leon County on June 20, 2017. In addition, Commission staff has contacted the County requesting information on each utility's current rates, charges, and territory served. Since they are now subject to Chapter 367, F.S., each utility must continue to collect the rates and charges for water and wastewater service, which were being collected on June 20, 2017, until changed by this Commission.

Commission staff has contacted the Florida Department of Environment Protection (DEP) to advise it of the Resolution, and to obtain a list of all privately-owned water and

wastewater facilities in Leon County, which the DEP monitors for environmental compliance. The utilities identified by the County and the DEP will receive a letter from Commission staff advising them of the transfer of jurisdiction and providing them with information to determine whether or not they are exempt from our regulation pursuant to Section 367.022, F.S.

Entities which are not exempt from our regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets. These applicants will also be advised of their responsibility to file an annual report for 2017, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit Annual Regulatory Assessment Fees (RAFs) effective the date a certificate is issued pursuant to Rule 25-30.120, F.A.C. The applicants will also be advised of their right to file for a pass-through of RAFs, should they not be currently collecting RAFs, or if they are collecting a lesser amount than they would be paying to this Commission. Seminole Waterworks, Inc., one of the utilities now subject to our jurisdiction, filed for a grandfather certificate and pass-through RAFs in Docket No. 20170155-WU, *In re: Application for grandfather water certificate in Leon County and application for pass through increase of regulatory assessment fees, by Seminole Waterworks, Inc.*

Accordingly, we acknowledge Resolution No. R17-12 by the County Commissioners of Leon County, effective June 20, 2017. All non-exempt, privately-owned water and wastewater utilities in Leon County shall comply with the provisions of Chapter 367, F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. R17-12 by the County Commissioners of Leon County declaring that the water and wastewater utilities in Leon County shall be subject to the provision of Chapter 367, Florida Statutes, effective June 20, 2017, is hereby acknowledged. It is further

ORDERED that all water and wastewater utilities in the Leon County are hereby directed to comply with Commission procedures as set forth in the body of this Order and Chapter 367, Florida Statutes. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of September, 2017.

/s/ Hong Wang

HONG WANG

Chief Deputy Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

DJ

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.