

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 960028-WS  
grandfather certificate to ) ORDER NO. PSC-96-0599-FOF-WS  
provide water and wastewater ) ISSUED: May 7, 1996  
service in Manatee County by )  
Sunny Shores Water Company, Inc. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER GRANTING GRANDFATHER CERTIFICATE,  
APPROVING RATES AND CHARGES, AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On October 10, 1995, the Board of County Commissioners of Manatee County adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring that as of October 10, 1995, the water and wastewater utilities in that County shall become subject to the provision of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 9, 1995, by Order No. PSC-95-1393-FOF-WS. Pursuant to Section 367.031, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the system is exempt from regulation.

On January 9, 1996, Sunny Shores Water Company, Inc. (Sunny Shores or utility) filed an application for a certificate to provide water and wastewater service in Manatee County. Sunny Shores provides water service to approximately 259 residential customers and 2 general service customers in Manatee County. The utility receives bulk water service from Manatee County. Sunny Shores has been providing water service since 1969.

DOCUMENT NUMBER-DATE  
05104 MAY-7 96  
FPSC-REG/REG/REPORTING

APPLICATION

Sunny Shores has complied with Section 367.171, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for a grandfather certificate. Sunny Shores's application contained a \$1,000 check (\$500 for water and \$500 for wastewater) which is the correct filing fee for both the water and wastewater certificates, pursuant to Rule 25-30.020, Florida Administrative Code.

Upon close investigation of the application for wastewater service, we have discovered that Sunny Shores is strictly acting as a billing agent on behalf of Manatee County. All wastewater facilities and lines serving these customers are owned and maintained by Manatee County, not Sunny Shores. Pursuant to Section 367.022(2), Florida Statutes, Manatee County would be exempt from our regulation as a governmental entity. Accordingly, the \$500 wastewater certificate application filing fee shall be refunded.

Sunny Shores has also provided adequate service territory, system maps and a territory description, pursuant to Rules 25-30.035(9), (10), and (11), Florida Administrative Code. A copy of the territory description has been appended to this Order as Attachment A. According to the Department of Environmental Protection (DEP), Sunny Shores is operating in accordance with the DEP's requirements.

Based on the foregoing, we find it appropriate to grant Sunny Shores a grandfather certificate. Accordingly, Sunny Shores is granted Water Certificate No. 578-WU to serve the territory described in Attachment A, which by referenced is incorporated herein.

RATES AND CHARGES

Sunny Shores's current water rates and charges are as follows:

Quarterly Service Rates

Water:

Residential and General Service

Minimum Charge:	\$50.17	(first 10,800 gallons)
Gallage	\$1.31 per 1,000	(in excess of 10,800 gallons)
Charge:		

Meter Test Deposits

<u>Meter Size:</u>	<u>Charge</u>
5/8 x 3/4"	\$20.00
1" and 1 1/2"	\$25.00
2" and over	Actual Cost

Miscellaneous Service Charges

Initial Connection Fee:	\$15.00
Normal Reconnection Fee:	\$15.00
Violation Reconnection Fee:	\$15.00
Premises Visit Fee:	\$10.00

Service Availability Charges

Meter Installation - 5/8 x 3/4": \$115.00

We find that these rates and charges are reasonable, and they are approved. Sunny Shores shall charge these rates and charges until we authorize a rate change in a subsequent proceeding. Sunny Shores has filed a tariff reflecting 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.

Annual Report and Regulatory Assessment Fees

Pursuant to Rule 25-30.120(2), Florida Administrative Code, "any utility which is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has actually applied for or been issued a certificate" is required to pay regulatory assessment fees. Additionally, Rule 25-30.110(3), Florida Administrative Code, states that "(t)he obligation to file an annual report for any year shall apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate." Sunny Shores is therefore required to pay Regulatory Assessment Fees from the jurisdictional date, October 10, 1995, and file a 1995 Annual Report within 45 days of the date of the order.

Since no further action is required in this docket, this docket shall be closed.

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Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Sunny Shores Water Company, Inc., 3827 116th Street, West, Bradenton, Florida 34224, is hereby granted Water Certificate No. 578-WU to serve the territory described in Attachment A of this Order. It is further

ORDERED that Sunny Shores Water Company, Inc., be refunded \$500.00, the wastewater certificate application filing fee. It is further

ORDERED that Sunny Shores Water Company, Inc., shall charge its customers the rates and charges approved herein until we authorize it to change them. It is further

ORDERED that the tariff sheets filed by Sunny Shores Water Company, Inc., reflecting these rates and charges shall be effective on the stamped approval date on the tariff sheets. It is further

ORDERED that Sunny Shores Water Company, Inc., shall file its 1995 Annual Report within 45 days of the issuance date of this order. It is further

ORDERED that Sunny Shores Water Company, Inc., shall remit regulatory assessment fees for 1995 within 45 days of the issuance date of this order. It is further

ORDERED that Docket No. 960028-WU is closed.

By ORDER of the Florida Public Service Commission, this day of 7th day of May, 1996.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kary DeLeon  
Chief, Bureau of Records

( S E A L )

RA

Concurring Opinion

Commissioner Deason concurs in a separate opinion as follows:

I concur in the decision that the activities of the wastewater activities of this company do not require certification or an exemption order. My concurrence is based solely on the Commission's policy as expressed in the only orders on the issue that are final in all respects. See, In re: Request for exemption from Florida Public Service Commission regulation from provision of water service in Broward County by H2OULTON METERING SYSTEMS, INC., Docket No. 910655-WU, Order No. PSC-92-0410-FOF-WU, issued May 27, 1992 and In re: Request for exemption from Florida Public Service Commission regulation as a reseller of water and wastewater service to Hidden Harbor in Broward County by H2OULTON METERING SYSTEMS, INC., Docket No. 920461-WS, Order No. PSC-92-1181-FOF-WS, issued October 19, 1992.

Should the proposed policy expressed in In Re: Investigation into Florida Public Service Commission jurisdiction over SOUTHERN STATES UTILITIES, INC. in Florida, Docket No. 930945, Order No. PSC-95-0894-FOF-WU, issued July 21, 1995; (On appeal as Hernando County, et al vs. Florida Public Service Commission and Southern States Utilities, Inc., (Fla. 1st DCA, Case No. 95-2935)) be revisited, this company's status as a utility providing service may need to be revisited.

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.

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, 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 Director,

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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.

ATTACHMENT A

SUNNY SHORES WATER COMPANY, INC.

WATER SERVICE AREA

MANATEE COUNTY

Located in a portion of Manatee County, Florida, situated entirely within the Northwest 1/4 of Section 2, Township 35 South, Range 16 East, described as follows:

Commence at the northwest corner of Section 2, Township 35 South, Range 16 East; thence run S 00°00'00" E a distance of 1,444 feet to the northerly ROW line of 40th Avenue West; thence run S 64°00'00" E along said ROW line a distance of 881 feet to the Point of Beginning; thence run N 24°00'00" E a distance of 1,468 feet along the westerly bank of a canal; thence continuing along the westerly bank of said canal run N 16°00'00" E a distance of 131 feet; thence continuing along said canal run N 26°00'00" E to the shoreline of Palma Sola Bay; thence run easterly along the shoreline of Palma Sola Bay a distance of approximately 1,000 feet to the point where a bulkhead intersects said shoreline; thence run along said bulkhead N 26°56'00" E a distance of 302.14 feet; thence continuing along said bulkhead run S 62°30'11" E a distance of 160.67 feet to the easterly ROW line of 115th Street West; thence run S 24°46'00" W along said ROW line a distance of 1,875 feet to the northerly ROW line of 40th Avenue West; thence run N 64°00'00" W along said ROW line a distance of approximately 1,069 feet to the Point of Beginning.