

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 960097-WS  
Amendment of Certificates 146-W ) ORDER NO. PSC-96-0899-FOF-WS  
and 103-S in Osceola County by ) ISSUED: July 15, 1996  
Poinciana Utilities Inc. )  
\_\_\_\_\_ )

ORDER AMENDING CERTIFICATES TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

Background

Poinciana Utilities, Inc. (Poinciana or utility) is a Class A utility providing water and wastewater services to 4,844 and 4,612 customers, respectively, in Osceola and Polk Counties. The utility has operated under Certificates Nos. 146-W and 103-S since June of 1973. According to its 1995 annual report, Poinciana had combined annual operating revenues of \$3,071,000 and combined net operating income of \$515,000.

Application

On January 26, 1996, Poinciana filed an application with this Commission to amend Water Certificate No. 146-W and Wastewater Certificate No. 103-S to add areas in Osceola County. The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code concerning an application for amendment of certificate. The application contains a filing fee in the amount of \$200, as prescribed by Rule 25-30.020, Florida Administrative Code.

Poinciana provided evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code. The evidence included a warranty deed for the water plant, and a quit-claim deed for the wastewater plant, supplemented by an attorney's opinion of title stating that the utility owned the land in fee simple.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

Poinciana has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. The utility modified the proposed territory description on March 21, 1996, and renoticed all utilities and government agencies in the

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area on April 1, 1996, Mr. Robert J. Lee, currently the sole customer on April 2, 1996, and in a newspaper of general circulation on April 4, 1996. No protest to any of the above notices have been received and the time for filing such protest has expired. The modified additional territory description which Poinciana is requesting to serve in Osceola County is described in Attachment A of this Order.

Poinciana has provided a statement that it has the financial and technical ability to provide water and wastewater service to the proposed extension. Poinciana's 1995 regulatory assessment fees have been paid and the utility has no outstanding fees, fines, penalties or customer complaints with the Commission. The Department of Environmental Protection has no outstanding notices of violation issued for these systems.

The utility's water plant currently has capacity of 90,000 gallons per day with an average daily flow of 60,000 gallons per day. To meet an estimated demand of 30,000 gallons per day of the additional territory, the utility plans to increase capacity to 120,000 gallons per day. The wastewater treatment plant has a capacity of 500,000 gallons per day. Current average daily flows at the wastewater treatment plant are 308,000 gallons per day. The additional territory is expected to require 15,000 gallons per day. Therefore, the increased flows can be accommodated with the existing plant. Therefore, it is apparent that the utility has capacity in the short term and can build the capacity as the need arises to serve this area in the future. Consequently, we believe the utility has demonstrated the financial and technical expertise to provide quality service to these customers. Therefore, we find that it is in the public interest to amend Water Certificate No. 146-W and Wastewater Certificate No. 103-S to include the territory described in Attachment A of this Order, which by reference is incorporated here.

#### Rates and Charges

Our most recent order establishing Poinciana Utilities, Inc.'s rates is Order No. PSC-94-1168-FOF-WS. Subsequent to that order, Poinciana had a 1995 Price Index adjustment.

The most recent order establishing service availability charges is Order No. 24370. Subsequent to that order, Poinciana had a 1994 CIAC Gross-Up and a 1995 Price Index adjustment.

The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificates for entry reflecting the additional territory. Poinciana shall

apply its existing tariff rates and charges at the time service becomes available to customers within the territory extension until a change is authorized by this Commission. Since no further action is necessary, this docket shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that Water Certificate No. 146-W and Wastewater Certificate No. 103-S, held by Poinciana Utilities Inc., are hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that Poinciana Utilities, Inc. shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that each of the findings made in the body of this order is hereby approved in every respect. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 15th day of July, 1996.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

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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, 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

POINCIANA UTILITIES, INC.  
TERRITORY DESCRIPTION - OSCEOLA COUNTY  
WATER AND WASTEWATER SERVICE AREA

Robert J. Lee Revocable Trust

Township 27 South, Range 29 East

Section 6

- 1) The S 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4  
and
- 2) The SW 1/4 of the NE 1/4 of the NE 1/4  
and
- 3) The SE 1/4 of the NE 1/4 of the NE 1/4.