

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of change in reuse rate by Aqua Utilities Florida, Inc.

DOCKET NO. 100049-WS
ORDER NO. PSC-10-10-0209-PCO-WS
ISSUED: April 5, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

Aqua Utilities Florida, Inc. (AUF or Utility) is a wholly-owned subsidiary of Aqua America, Inc. AUF provides water and wastewater service in eighty-two certificated service areas (57 water and 25 wastewater systems) in 16 counties. Water and wastewater rates were last established for AUF in its 2008 rate case.¹

On January 22, 2010, AUF filed a petition for approval of a change in its reuse rate. This rate is only available to the South Seas service area of Lee County. Within this service area is one customer, South Seas Resort Owner, L.L.C. or the South Seas Island Resort (SSIR). As stated in AUF's petition, the requested change in reuse rates involves a wastewater treatment plant (WWTP) owned by AUF, which is located on Captiva Island in Lee County, Florida. AUF is required by law to properly dispose of treated effluent from its WWTP, and has determined that the only feasible disposal site is the SSIR golf course, located adjacent to the wastewater treatment plant. The Florida Department of Environmental Protection requires AUF to be in a contract with the disposal site owner; therefore, AUF has an Effluent and Irrigation Agreement with SSIR. The agreement was written assuming all costs to pipe and deliver the effluent to SSIR would be AUF's responsibility, and SSIR would pay AUF for the volume of effluent delivered pursuant to the reuse rate set forth in AUF's tariff.

Through its petition, AUF is requesting that we approve a special reuse rate which would allow for AUF to provide the effluent to SSIR at no cost. The 60-day statutory deadline to suspend AUF's request is March 23, 2010. We have jurisdiction to consider this matter pursuant to Section 367.081, Florida Statutes (F.S).

¹ See Order No. PSC-09-0385-FOF-WS, issued May 29, 2009, in Docket No. 080121-WS, In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Section 367.091(4), F.S., provides that a change in any rate schedule may not be made without our approval. Furthermore, pursuant to Section 367.081(6), F.S., we may withhold consent to the operation of any rate request or any portion thereof by a vote to that effect within 60 days after the date of filing the rate request.

We have reviewed the filing and have considered the information filed in support of the rate application and the proposed final rates. We believe it is necessary to gather additional information in order to make an informed decision regarding AUF's tariff proposal. Accordingly, AUF's proposed reuse rate shall be suspended.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Aqua Utility Florida, Inc.'s proposed reuse rate shall be suspended. It is further

ORDERED that this docket shall remain open pending a decision on the requested reuse rate change.

By ORDER of the Florida Public Service Commission this 5th day of April, 2010.



ANN COLE
Commission Clerk

(S E A L)

LAH

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.