

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for ) DOCKET NO. 920174-WU  
Amendment of Certificate No. ) ORDER NO. PSC-92-1369-FOF-WU  
496-W in Lake County by LAKE ) ISSUED: 11/24/92  
UTILITY SERVICES, INC. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

FINAL ORDER GRANTING AMENDMENT OF CERTIFICATE TO  
INCLUDE ADDITIONAL TERRITORY  
AND  
NOTICE OF PROPOSED AGENCY ACTION  
ORDER ESTABLISHING RATES AND CHARGES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein establishing rates and charges is preliminary in nature, and as such, will become final unless a person whose interests are substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Background

Lake Utility Services Inc. (LUSI or utility) is a Class C utility providing water service to twelve separate service areas in Lake County. This amendment application encompasses a 20 square mile area which includes ten of the twelve previously certificated systems owned by LUSI. The utility provides water service in Lake County to approximately 330 customers, 260 of which are in the requested territory. The utility's water systems are combined for annual report purposes; however, the utility has three separate sets of water rates for its Lake County systems.

On February 25, 1992, the utility applied for an amendment to extend the certificated territory. An objection to the application was filed by letter dated March 4, 1992, by the City of Clermont (City). The City's objection was based on its belief that the requested extension of territory was in conflict with the City's approved comprehensive plan.

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PSC-RECORDS/REPORTING

On September 30, 1992, by letter, the City of Clermont indicated that its City Council had voted to withdraw its objection to Lake Utility Services, Inc.'s application for amendment of Water Certificate No. 496-W. Accordingly, we hereby accept the City of Clermont's withdrawal of its objection.

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the notarized application contains:

1. A filing fee in the amount of \$2,250.00, which amount is \$1,350.00 in excess of the required fee as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory in the South Clermont Region of Lake County is described in Attachment A of this Order, which by reference is incorporated herein.
3. Proof of notice of application to interested governmental and regulatory agencies and utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in Lake County, as prescribed by Rule 25-30.030, Florida Administrative Code.
4. Evidence that the utility owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Based on the information filed with the application, it appears that LUSI has the technical capability and financial resources to adequately serve the additional territory.

The additional territory is located in close proximity to the utility's existing service area and will provide service to several residents in an area currently receiving service from EDB contaminated wells. The utility plans to interconnect their present water systems in the area to provide more reliable and efficient service and to extend transmission lines from these systems to the additional territory as service is requested. In addition, the Department of Environmental Regulation (DER) was contacted and stated that LUSI has no current violations.

Based on the above information, the Commission finds that it is in the public interest to grant the application of Lake Utility Services, Inc. for amendment of Water Certificate No. 496-W to include the territory described in Attachment A. The utility has returned the certificate for entry and filed revised tariff sheets that reflect the correct territory description.

#### Refund of Excess Filing Fee

The Commission required an increase of the original filing fee of \$150.00 to the maximum amount of \$2,250.00 based on estimates of the potential occupancy of all the land portions of the territory to be included within the certificate. The utility paid the additional fee, under protest, and requested a review on the basis of projected population growth. Population growth for the next ten years is projected to be 4,780 persons and, pursuant to Rule 25-30.020, Florida Administrative Code, the correct filing fee for an amendment application to provide service to an additional 4,780 persons is \$900.00. Therefore, the Commission finds that the applicant is due a refund of a portion of the filing fee in the amount of \$1,350.00.

#### Rates and Charges

LUSI presently charges two different sets of rates to the systems it owns in the requested area. The charges set by the Commission in the original certificate case for Crescent Bay includes a plant capacity charge of \$569 per equivalent residential connection (ERC), a main extension charge of \$506 per ERC, and meter installation charges by meter size including a charge of \$100 for a 5/8" x 3/4 " meter. We believe that the charges approved for the Crescent Bay system will provide for future customers to pay their pro rata share of the cost of the lines and treatment plant necessary to provide them service. These charges will serve to increase the utility's level of contribution-in-aid-of-construction (CIAC), thus keeping the utility's rate base at a lower level for ratemaking purposes. Therefore, LUSI shall charge the customers in the additional territory the rates and charges approved in its tariff for the Crescent Bay system currently on file with this Commission.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 496-W held by Lake Utility Services, Inc., 200 Weathersfield Avenue, Altamonte Springs, Florida 32714, is hereby

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amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that the overpayment of filing fee, in the amount of \$1,350.00, be refunded to the applicant. It is further

ORDERED that the customers in the territory added herein shall be charged the rates and charges approved in Lake Utility Services, Inc.'s tariff for the Crescent Bay system currently on file with the Commission. It is further

ORDERED that the provisions of this Order establishing rates and charges for the territory added herein are issued as proposed agency action and shall become final, unless an appropriate petition in the form provided by Rule 25-22.029, Florida Administrative Code, is received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings below. It is further

ORDERED that this docket shall be closed if no protest is received.

By ORDER of the Florida Public Service Commission this 24th day of November, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SLE

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.

As identified in the body of this order, our action establishing rates and charges is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 15, 1992. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.

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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 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 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

LAKE UTILITY SERVICES, INC.

SERVICE TERRITORY DESCRIPTION - SOUTH CLERMONT REGION - LAKE COUNTY

Township 22 South, Range 25 East, Lake County

ALL OF SECTION 35, LESS LAKE MINNEHAHA.  
ALL OF SECTION 36, LESS LAKE MINNEHAHA.

Township 22 South, Range 26 East, Lake County

ALL OF SECTION 31, LESS LAKE MINNEHAHA.  
ALL OF SECTION 32 THAT IS WEST OF THE CENTERLINE OF U.S.  
HIGHWAY 27.

Township 23 South, Range 25 East, Lake County

ALL OF SECTION 1, LESS LAKE MINNEHAHA, AND LAKE SUSAN.  
ALL OF SECTION 2, LESS LAKE MINNEHAHA, AND CRESCENT LAKE.  
ALL OF SECTION 11, LESS CRESCENT LAKE, AND SAW MILL LAKE.  
ALL OF SECTION 12, LESS CRESCENT LAKE, FLORENCE LAKE, AND  
RALPH LAKE.  
ALL OF SECTION 13, LESS LAKE NELLIE.  
ALL OF SECTION 14, LESS SAW MILL LAKE AND LAKE GLONA.  
ALL OF SECTION 23, LESS LAKE NELLIE, AND LAKE GARY.  
ALL OF SECTION 24, LESS LAKE NELLIE.

Township 23 South, Range 26 East, Lake County

ALL OF SECTION 4 THAT IS WEST OF THE CENTERLINE OF U.S.  
HIGHWAY 27.  
ALL OF SECTION 5 THAT IS WEST OF THE CENTERLINE OF U.S.  
HIGHWAY 27.  
ALL OF SECTION 6, LESS LAKE SUSAN, AND LAKE LOUISA.  
ALL OF SECTION 7, LESS LAKE LOUISA.  
ALL OF SECTION 8, LESS LAKE LOUISA.  
ALL OF SECTION 9 THAT IS WEST OF THE CENTERLINE OF U.S.  
HIGHWAY 27.  
ALL OF SECTION 16 THAT IS WEST OF THE CENTERLINE OF U.S.  
HIGHWAY 27, AND LESS LAKE LOUISA.  
ALL OF SECTIONS 17, 18, 19 AND 20, LESS LAKE LOUISA.  
ALL OF SECTION 21 THAT IS WEST OF THE CENTERLINE OF U.S.  
HIGHWAY 27, LESS LAKE LOUISA.