

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for grandfather certificate to
operate wastewater utility in Columbia County,
by Kirby D. Morgan, Inc.

DOCKET NO. 20240118-SU
ORDER NO. PSC-2025-0121-FOF-SU
ISSUED: April 8, 2025

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman
ART GRAHAM
GARY F. CLARK
ANDREW GILES FAY
GABRIELLA PASSIDOMO SMITH

ORDER GRANTING WASTEWATER CERTIFICATE
AND APPROVING RATES AND CHARGES

BY THE COMMISSION:

Background

On May 16, 2024, the Board of County Commissioners of Columbia County (County) adopted Resolution No. 2024R-13 (Resolution), transferring regulation of the privately-owned, for profit water and wastewater utilities in the County to the Florida Public Service Commission (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.). By Order No. PSC-2024-0222-FOF-WS, we acknowledged the Resolution.¹

Pursuant to Section 367.171(2)(b), F.S., each utility engaged in the operation or construction of a system shall be entitled to receive a certificate for the area served by such utility on the day the chapter becomes applicable to the utility. On August 6, 2024, Kirby D. Morgan, Inc. (Kirby Morgan or Utility) filed an application for a certificate under grandfather rights to provide wastewater service in Columbia County pursuant to Section 367.171(2), F.S., and Rule 25-30.035, Florida Administrative Code (F.A.C.). Kirby Morgan's application was found to be deficient, and staff sent a deficiency letter to the Utility on August 22, 2024. The Utility cured the deficiencies on January 14, 2025.

Kirby Morgan provides wastewater service to approximately 217 residential customers, in single family homes, located in Eastside Village. Water service is provided by Lake City. The Utility's service area is located in the Suwanee River Water Management District. This order

¹ Order No. PSC-2024-0222-FOF-WS, issued July 1, 2024, in Docket No: 20240089-WS, *In re: Resolution of the Board of County Commissioners of Columbia County declaring Columbia County subject of the provisions of Section 367, F.S.*

addresses the application for a grandfather wastewater certificate and rates and charges. We have jurisdiction pursuant to Section 367.171, F.S.

Grandfather Application

The Utility's application for a certificate under grandfather rights to provide wastewater service in Columbia County is in compliance with Section 367.171(2)(b), F.S., and Rule 25-30.035, F.A.C. The application contains a warranty deed as proof of ownership of the land on which the Utility's facilities are located, an accurate territory description, and adequate service territory and system maps. The territory description is provided in Attachment A to this order.

Kirby Morgan serves approximately 217 residential customers. The Utility does not currently have any outstanding citations, violations, or consent orders on file with the Florida Department of Environmental Protection.

The Utility is aware of its obligation to submit its 2024 Annual Report pursuant to Rule 25-30.110, F.A.C., and is also aware of its obligation to pay regulatory assessment fees pursuant to Rule 25-30.120, F.A.C. In addition, the Utility is aware that it must maintain its books and records according to the National Association of Regulatory Utility Commissioners' Uniform System of Accounts.

Based on the above, we hereby grant Kirby Morgan Certificate No. 586-S to serve the territory described in Attachment A. This order shall serve as Kirby Morgan's certificate and shall be retained by the Utility.

Rates and Charges

Columbia County approved Kirby Morgan's existing rates by Resolution No. 2011-R13 on March 17, 2011. The rates consist of a single flat rate and no gallonage charge. On February 17, 2025, the Utility filed a revised tariff sheet into the docket file, stating that the miscellaneous service charges tariff sheet filed with the application erroneously contained charges the Utility did not have the authority to charge.² However, the Utility never assessed any miscellaneous service charges to its customers. Currently, the Utility does not have any miscellaneous service charges nor service availability charges. In addition, the Utility does not have customer deposits.

Accordingly, the Utility's monthly rates that were in effect when the County transferred jurisdiction to this Commission, shown on Schedule No. 1, shall be approved. The Utility has no miscellaneous service charges. The rates shall be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. The Utility shall be required to charge the approved rates until authorized to change them by this Commission in a subsequent proceeding.

² Document No. 00990-2025.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Kirby D. Morgan, Inc. is hereby granted Wastewater Certificate No. 586-S, effective May 16, 2024, to serve the territory described in Attachment A and shall retain this order as its certificate. It is further

ORDERED that Kirby Morgan shall file its annual report for 2024 pursuant to Rule 25-30.110, F.A.C., and remit to the Commission regulatory assessment fees effective May 16, 2024, pursuant to Rule 25-30.120, F.A.C. Further, the Utility shall maintain its books and records according to the National Association of Regulatory Commissioners' Uniform System of Accounts. It is further

ORDERED that the rates and charges shown on Schedule No. 1 are hereby approved and Kirby Morgan shall be required to charge these approved rates and charges until authorized to change them by this Commission in a subsequent proceeding. It is further

ORDERED that the rates shall be effective for services rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of April, 2025.



ADAM J. TEITZMAN
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.

MRT

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.

DESCRIPTION OF TERRITORY SERVED

KIRBY D. MORGAN, INC. Wastewater Service Territory

A PART OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 17 EAST AND A PART OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 17 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION. 34 AND RUN N 6°20'43" E ALONG THE WEST LINE THEREOF, 136.68 FEET TO THE NORTHWEST CORNER OF LOT 17 BLOCK "A" OF EASTSIDE VILLAGE UNIT 2 FOR A POINT OF BEGINNING. THENCE CONTINUE N 6°20'43" E, 1330.74 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF BAYA AVENUE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1474.39, AN INCLUDED ANGLE OF 5°28'48", WHOSE CHORD BEARING IS N 53°33'25" E AND A CHORD DISTANCE OF 140.96 FEET; THENCE N 87°30'43" E 230.41 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE G.S. & F. RAILROAD; THENCE S 52°07'56" E ALONG SAID RIGHT-OF-WAY, 162.49 FEET; THENCE S 6°20'43" W, 483.65 FEET;

THENCE S 89°51'02" E, 357.36 FEET; THENCE N 13°20'19" E, 214.29 FEET TO SAID RAILROAD RIGHT-OF-WAY; THENCE S 52°07'56" E ALONG SAID RIGHT-OF-WAY, 1170.54 FEET; THENCE S 31°47'05" W, 335.04 FEET TO THE NORTHEAST CORNER OF SUZANNE SUBDIVISION UNIT 5, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 100 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE CONTINUES 31°47'05" W, 129.2 FEET TO THE NORTH LINE OF SAID SECTION 3; THENCE S 89°50'36" W, 60 FEET TO THE WEST RIGHT-OF-WAY OF PEARL STREET; THENCE S 1°23'36" E ALONG SAID RIGHT-OF-WAY 129.6 FEET MORE OR LESS TO THE CENTERLINE OF A CREEK; THENCE SOUTHWESTERLY ALONG THE MEANDER OF THE CENTERLINE OF SAID CREEK, WHICH FOLLOWS NEAR TO THE FOLLOWING CHORD BEARINGS AND DISTANCES: S 63°04'54" W, 30.86 FEET; S 26°06'04" W, 64.19 FEET; S 80°25'24" W, 62.15 FEET; S 34°39'00" W, 29.11 FEET; S 33°57'54" W, 50.37 FEET; S 72°18'44" W, 88.16 FEET; S 85°29'07" W, 62.81 FEET; N 74°00'46" W, 18.73 FEET; N 79°05'46" W, 23.82 FEET; S 81°11'14" W, 59.00 FEET; S 64°54'26" W, 36.3 FEET; S 51°25'14" W, 41.00 FEET; S 76°17'04" W, 71.40 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SUZANNE SUBDIVISION UNIT 5 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 100 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID CREEK S 79°48'17" W, 43.15 FEET; S 27°01'33" W, 30.42 FEET; N 29°30'01" W, 26.27 FEET; S 33°14'49" W, 46.87 FEET; S 68°29'07" W, 38.38 FEET; N

82°41'45" W, 31.13 FEET; S 55°33'23" W, 43.13 FEET; S 38°59'15" W, 25.00 FEET, TO THE SOUTHWEST CORNER OF LOT 3 BLOCK "D" OF EASTSIDE VILLAGE UNIT 2 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 137-137A OF THE SAID PUBLIC RECORDS; THENCE CONTINUE ALONG THE MEANDER OF THE CENTERLINE OF SAID CREEK; S 38°59'55" W, 21.85 FEET; N 52°04'35" W, 21.08 FEET; S 18°38'29" W, 29.62 FEET; S 67°53'13" W, 44.07 FEET; N 19°38'08" W, 51.61 FEET; S 80°14'19" W, 89.19 FEET; N 30°21'55" W, 19.42 FEET; S 62°43'43" W, 92.18 FEET; S 5°31'19" E, 52.04 FEET; S 68°39'52" W, 81.80 FEET; N 65°04'52" W, 105.25 FEET; S 20°53'15" W, 52.55 FEET; N 82°46'58" W, 109.19 FEET; S 66°03'58" W, 120.37 FEET; S 42°23'20" W, 86.66 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF EASTSIDE VILLAGE UNIT III AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6 PAGE 65 OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG THE MEANDER OF SAID CENTERLINE, S 47°17'22" W, 216.25 FEET; S 34°02'02" W, 41.48 FEET; S 74°10'53" W, 285.0 FEET; S 8°09'42" W, 19.86 FEET; S 58°21'50" W, 24.41 FEET; S 34°40'57" W, 35.69 FEET; S 8°50'16" W, 27.89 FEET; S 11°25'26" E, 71.85 FEET; S 51°23'04" W, 70.94 FEET; S 72°37'09" W, 26.37 FEET; S 55°40'39" W, 57.01 FEET; S 15°16'39" W, 61.72 FEET; S 82°45'03" W, 18.63 FEET; S 60°46'49" W, 46.0 FEET; S 48°33'19" W, 61.39 FEET; S 66°42'05" W, 32.29 FEET; S 46°52'45" W, 35.78 FEET; S 39°43'00" W, 61.06 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NE¼ OF NW¼ OF SAID SECTION 3; THENCE S 88°52'08" W, 605.43 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 1°49'57" W ALONG THE WEST LINE OF SAID NE¼ OF NW¼ 1070.99 FEET; THENCE N 88°56'56" E, 134.92 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 224.54 FEET, A CHORD BEARING OF N 30°07'31" E, AND A CHORD DISTANCE OF 92.16 FEET, FOR AN ARC DISTANCE OF 92.83 FEET; THENCE S 30°01'43" E, 171.63 FEET TO THE SOUTHERNMOST CORNER OF LOT 1 BLOCK "F" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 22°46'18" E, 98.92 FEET; THENCE N 88°55'54" E, 860.0 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID BLOCK "F"; THENCE N 1°04'06" E, 39.32 FEET; THENCE S 87°19'34" E, 193.38 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK "E", OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 1°04'06" E, 83.17 FEET TO THE SOUTH LINE OF DOGWOOD DRIVE; THENCE N 88°55'54" E, 115.77 FEET; THENCE S 46°56'00" E, 22.28 FEET; THENCE N 88°45'28" E, 67.24 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.0 FEET, AN INCLUDED ANGLE OF 85°20'31", FOR AN ARC DISTANCE OF 59.58 FEET; THENCE N 5°53'56" W, 28.20 FEET; THENCE N 6°20'43" E, 65.71 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF BLOCK "B" OF SAID EASTSIDE VILLAGE UNIT 2; THENCE N 88°45'28" E, ALONG THE SOUTH LINE OF SAID LOT 2 AND EXTENDING ACROSS THE SOUTH LINE OF LOTS 3, 4, 5 AND 6 OF SAID BLOCK "B", 398.29 FEET; THENCE S 82°32'32" E, 94.57 FEET TO THE SOUTHEAST CORNER OF LOT 1 BLOCK "C" OF SAID EASTSIDE VILLAGE UNIT 2;

THENCE N 0°47'32" W ALONG THE EAST LINE OF SAID LOT 1 BLOCK "C", 108.0 FEET TO THE SOUTH RIGHT-OF-WAY OF PEARL STREET; THENCE N 82 ° 32' 32" W, 67.32 FEET.; THENCE N 87°45'10" W, 100.66 FEET; THENCE N 0°30'09" E, 11.02 FEET TO THE CENTERLINE OF PEARL STREET; THENCE S 88°45'28" W ALONG SAID CENTERLINE, 332.02 FEET; THENCE N 6°20'43" E, 13.51 FEET; THENCE N 83°39' 17" W, 144.0 FEET TO THE POINT OF BEGINNING.

FLORIDA PUBLIC SERVICE COMMISSION

**authorizes
Kirby D. Morgan, Inc.
pursuant to
Certificate Number 586-S**

to provide wastewater service in Columbia County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

Order Number	Date Issued	Docket Number	Filing Type
PSC-2025-0121-FOF-SU	April 8, 2025	20240118-SU	Grandfather Certificate

Kirby D. Morgan, Inc.
Monthly Wastewater Rates

Residential and General Service

Base Facility Charge by Meter Size

Flat Rate

\$44.09