

State of Florida



Public Service Commission  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: JULY 24, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION  
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF ECONOMIC REGULATION (RIEGER)  
OFFICE OF THE GENERAL COUNSEL (JAEGER)

RE: DOCKET NO. 030644-SU - EMERGENCY APPLICATION FOR AMENDMENT  
OF CERTIFICATE NO. 422-S TO EXTEND WASTEWATER SERVICE AREA  
TO SEAGULL TOWNHOUSES IN GULF COUNTY, BY ESAD ENTERPRISES,  
INC. D/B/A BEACHES SEWER SYSTEM.

AGENDA: 08/05/2003 - REGULAR AGENDA - INTERESTED PERSONS MAY  
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\ECR\WP\030644.RCM

RECEIVED FPSC  
JUL 24 AM 10:45  
COMMISSION CLERK  
SDR  
JES

CASE BACKGROUND

ESAD Enterprises, Inc. d/b/a Beaches Sewer System (Beaches or utility) is a Class C utility serving approximately 256 wastewater customers in Gulf County. Water service is provided by the City of Mexico Beach. On July 18, 2003, the utility filed an emergency service application with the Commission indicating that it intended to connect with Seagull Townhouses (Seagull). Seagull is an existing residential area with a hydraulically overloaded onsite sewage treatment and disposal system (OSTDS) It is located outside the utility's certificated territory. The connection was made on July 18, 2003. Prior to that time, the utility contacted staff to inform the Commission of the situation and that a sanitary nuisance existed. The utility indicated that the Gulf County Health Department made a request for it to offer to connect Seagull, and that it would respond to that request because of the nature of the emergency.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

DOCKET NO. 030644-SU

DATE: July 24, 2003

The purpose of this recommendation is to acknowledge the utility's emergency service application and to authorize it to provide wastewater service to Seagull on an interim, emergency basis. The Commission has jurisdiction to consider this matter pursuant to Section 367.045, Florida Statutes.

DATE: July 24, 2003

**ISSUE 1:** Should the Commission authorize an interim, emergency connection by the utility to Seagull.

**RECOMMENDATION:** Yes. The Commission should authorize an interim, emergency connection by the utility to Seagull. The utility should charge Seagull its rates and charges as referred to in its tariff. The utility should be required to file an application for a quick take amendment of its certificate to include Seagull in its territory within twenty days of the Commission order. (RIEGER)

**STAFF ANALYSIS:** On July 18, 2003, the utility filed an emergency service application with the Commission (see Attachment A), stating that it intended to provide an emergency connection with Seagull. Located approximately three hundred feet outside the utility's service area, Seagull is an existing residential area composed of thirteen townhouses with one vacant lot. It has an hydraulically overloaded OSTDS. According to a July 15, 2003, letter to the utility from the Gulf County Health Department (Health Department) (see Attachment B), Seagull was in violation of Florida Statute Chapter 381, which pertains to sanitary nuisance. Because of the situation, the Health Department requested that the utility offer to connect Seagull. The connection was made on July 18, 2003. Staff has verified with the Health Department that the interconnection was made and that the sanitary nuisance has been properly eliminated as a result of the connection to the utility.

In its notification, the utility indicated that this was an emergency situation, and that it was in the public's best interest to connect. The utility also noted that there are no other utilities that are available to connect and that no one is expected to object to the utility providing service to Seagull. Staff contacted the City of Mexico Beach, which is located nearby, and inquired if there was any interest from the city to serve Seagull. The city was not previously aware of the Seagull situation. It indicated that it currently does not have service lines in the immediate area, but is interested in possibly serving Seagull sometime in the future.

In addition to the above, the utility indicated that it will file the necessary applications as soon as possible to amend its territory to include Seagull. A quick take amendment application package, pursuant to Section 367.045, Florida Statutes and Rule 25-30.036(2), Florida Administrative Code, has been sent to the utility.

DATE: July 24, 2003

utility. A request for a quick take amendment allows for service territory expansion and amendment of an existing certificate when it is demonstrated that utility service is necessary for an emergency situation.

Given the emergency nature of the situation, staff believes that the utility has acted responsibly. Staff recommends that the Commission authorize an interim, emergency connection by the utility to Seagull. In addition, the utility should charge Seagull its rates and charges as referred to in its tariff. It is also recommended that the utility be required to file an application for a quick take amendment of its certificate to include Seagull in its territory within twenty days of the Commission order.

DOCKET NO. 030644-SU

DATE: July 24, 2003

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** No. This docket should remain open to process a subsequent amendment application to amend the utility's territory.  
(JAEGER, RIEGER)

**STAFF ANALYSIS:** It is recommended that this docket remain open to process a subsequent amendment application to amend the utility's territory.

ORIGINAL

E S A D Enterprises, Inc.  
DBA Beaches Sewer System  
509 4<sup>th</sup> Street  
P O Box 503  
Port St Joe, FL 32457  
(850) 227-9875

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JUL 18 AM 9:36

COMMISSION  
CLERK

July 17, 2003

Division of the Commission Clerk & Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

030644-SU

RE: Certificate Number 422-S  
Emergency Service Application - Not in our Territory

Dear Sir/Madam:

On July 11, 2003 Gulf County Department of Health called us and asked us if the Seagull Townhouses, located at 8071 Highway 98 in Gulf County could be hooked to our system. I informed them that our service territory ended approximately three hundred feet from the townhouses, and that if we did this we would be in violation of the law. They inform me that they had raw sewage running on the beach and this was causing an health hazard, and if we could help they would appreciated it. On Tuesday, July 15 they delivered the attached letter to me. The townhouse's original owner, and who has the septic tank system they use contacted us and we agree to talk with him. Meeting with him, and because of the problems that the townhouses were having we told him that we would hook him up if he got to our lines, which he agreed to due.

As this was a safety issue and I feel an emergency situation, we thought that this was in the public's best interest for us to do now. We will file the necessary applications as soon as possible to get this in our territory. There are no other utilities that could do this so I do not believe that anyone will complain. I feel like it is our civic duty to always help the health department and the people of Gulf County when an emergency arises. I can assure you that by no means due we want to violate any laws, but only provide the service that we can legally due.

Sincerely,



Frank J Seifert, CFO

03 JUL 18 AM 9:36

DISTRIBUTION CENTER

DOCUMENT NUMBER DATE

06405 JUL 18 '03

FPSC-COMMISSION CLERK



Jeb Bush  
Governor

John Agwunobi, M.D.  
Secretary

July 15, 2003

Mr. Frank Seifert  
Beaches Sewerage Treatment Facility  
P.O. Box 602  
Port St. Joe, FL 32456

Dear Mr. Seifert,

Seagull Townhouses, located at 8071 Highway 98, St. Joe Beach, are presently in violation of Florida Statute (FS) Chapter 381, which pertains to sanitary nuisance. The onsite sewage treatment and disposal system (OSTDS) presently serving the facility is hydraulically overloaded and is allowing sewage to seep onto the ground surface. Stopgap measures are currently being performed, including regular pumping of the septic tanks. However, it is imperative that a permanent solution be found quickly. It appears that only two alternatives are left to the homeowners, an expensive repair of the OSTDS or connection to available sewerage system.

Due to the existence of a sanitary nuisance, it is requested that every consideration be offered to the homeowners of Seagull Townhouses to connect to your treatment facility. This is, of course, prefaced by the capacity of your system being available. Abatement of the nuisance is the primary concern of this department and must be corrected as soon as possible.

If you have any questions concerning this letter or the sewage flow produced by the townhouses, please contact this office at (850) 227-1276, ext. 125. Please notify this office with your decision.

Sincerely,

David M. Fuze  
Environmental Specialist II / Coordinator

cc: Jean Arnold  
Douglas M. Kent

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**GULF COUNTY HEALTH DEPARTMENT**

2475 Garrison Avenue, Port St. Joe, FL 32456 • (850)227-1276 • Fax (850)227-1766  
P.O. Box 686, 232 East Lake Avenue, Wewahitchka, FL 32465 • (850)639-2644 • Dental (850)639-4414 • Fax (850)639-5934