

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-**

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**DATE:** October 21, 2004

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Division of Economic Regulation (Walden)  
Office of the General Counsel (Vining)

**RE:** Docket No. 040704-WS; Application for amendment of Certificates 532-S and 618-W to extend water and wastewater service areas to include certain land in Sumter County by North Sumter Utility Company, L.L.C.

**AGENDA:** 11/02/04 – Regular Agenda – Interested Persons May Participate

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\040704.RCM.DOC

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### Case Background

North Sumter Utility Company, L.L.C. (North Sumter) is a Class C water and wastewater utility company serving 131 metered water customers and 127 wastewater customers in Sumter County. The 2003 annual report on file with this Commission lists operating revenues of \$16,050, with a net operating loss of \$591,012, while showing in excess of \$25 million in plant investment. The utility's service area lies in the Southwest Florida Water Management District and is not in a water supply problem area.

North Sumter was originally granted certificates in Docket No. 010859-WS, and a service territory of 4677 acres to serve The Villages, a planned unit development. An amendment was later approved in Docket No. 021036-WS, wherein 2,190 acres were added to the service area.

The utility filed this application on July 7, 2004, to amend its water and wastewater certificates to add approximately 600 acres, pursuant to Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code. The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes.

### **Discussion of Issues**

**Issue 1:** Should the utility's request to amend its water and wastewater certificates be granted?

**Recommendation:** Yes. The water and wastewater certificates of North Sumter Utility Company, L.L.C., should be amended to include the territory listed on Attachment A. (Walden)

**Staff Analysis:** On July 7, 2004, North Sumter filed an application for amendment of its certificates. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of a certificate.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), Florida Administrative Code. No objections to the notice of application were received, and the time for filing them has expired. There are no outstanding notices of violation or consent orders with the Department of Environmental Protection. A description of the territory is appended to this recommendation as Attachment A.

In addition, the application contained proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The Department of Community Affairs (DCA) has stated that the proposed expansion of the utility appears to be consistent with the Sumter County Comprehensive Plan.

North Sumter has been providing service since mid-2003. The utility has the financial backing of an affiliate, The Villages of Lake-Sumter, Inc., which has agreed to provide financial support. Evidence of the utility's ownership of the properties upon which its treatment plants are constructed has been provided. The wastewater plant will be expanded to serve the additional area requested in this filing. Effluent disposal will continue via reuse system that irrigates the golf courses within The Villages of Sumter.

The new service area, comprised of eight parcels, is contiguous to the existing Villages development, and will contain both residential and general service customers. The expected number of customers to be served is 5,385 water ERCs and 2,719 wastewater ERCs. Inclusion of this additional service area will not adversely impact the service now being provided to existing customers.

Based upon the above information, staff recommends that it is in the public interest that the utility's application be granted and the land area described in Attachment A be added to the water and wastewater certificated territory of North Sumter.

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**Issue 2:** Should the docket be closed?

**Recommendation:** Yes. If staff's recommendation in Issue 1 is approved, no further action is required and the docket should be closed. (Vining)

**Staff Analysis:** If staff's recommendation in Issue 1 is approved, no further action is required and the docket should be closed.

AMENDMENT TO WATER AND WASTEWATER SERVICE TERRITORY FOR NORTH  
SUMTER UTILITY COMPANY, L.L.C. IN SUMTER COUNTY

DESCRIPTION: (AREA "A")

A PORTION OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA,  
BEING DESCRIBED AS FOLLOWS.

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE  
N89°30'31"W, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16, 1,365.39 FEET  
TO A POINT ON THE ARC OF A CURVE CONCAVE WEST, AND HAVING A RADIUS OF 405.00 FEET,  
AND A CHORD BEARING AND DISTANCE OF N03°56'39"E, 32.40 FEET; THENCE NORTHERLY ALONG  
THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°35'06", AN ARC DISTANCE OF 32.41  
FEET; THENCE N01°39'06"E, 295.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE  
WEST AND HAVING A RADIUS OF 1,130.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID  
CURVE THROUGH A CENTRAL ANGLE OF 09°07'52", AN ARC DISTANCE OF 180.09 FEET TO THE  
POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EAST AND HAVING A RADIUS OF 540.00  
FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  
45°51'50", AN ARC DISTANCE 432.26 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE  
CONCAVE SOUTH AND HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC OF  
SAID CURVE THROUGH A CENTRAL ANGLE OF 81°15'11", AN ARC DISTANCE OF 35.45 FEET TO THE  
POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTH AND HAVING A RADIUS OF 430.00  
FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  
28°49'32", AN ARC DISTANCE 216.33 FEET; THENCE S89°11'17"E, 1,679.00 FEET TO THE EAST LINE OF  
THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE  
S00°31'04"W ALONG SAID EAST LINE 856.76 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF  
SAID SECTION 16; THENCE N89°30'31"W ALONG SAID SOUTH LINE 658.01 FEET TO THE POINT OF  
BEGINNING.

AND

DESCRIPTION: (AREA "B")

A PORTION OF SECTION 21, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA,  
BEING DESCRIBED AS FOLLOWS.

THE EAST 1/8 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21, LESS THE  
SOUTH 33.00 FEET THEREOF FOR COUNTY ROAD 472.

AND

DESCRIPTION: (AREA "C")

COMMENCE AT THE NW CORNER OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER  
COUNTY, FLORIDA, AND PROCEED SOUTH 900 FEET, EAST 210 FEET, SOUTH 210 FEET, EAST 210  
FEET FOR THE POINT OF BEGINNING, CONTINUE EAST 480 FEET, NORTH 420 FEET, EAST 420 FEET,  
NORTH 690 FEET, WEST 690 FEET, SOUTH 630 FEET, WEST 210 FEET, SOUTH APPROXIMATELY 480  
FEET TO THE POINT OF BEGINNING.

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AND

DESCRIPTION: (AREA "D")

THE EAST 1/2 OF THE NORTHWEST 1/4, AND THE NORTHEAST 1/4, AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, ALL LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

DESCRIPTION: (AREA "E")

A PORTION OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS.

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE S89°36'41"E, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 31.86 FEET TO THE POINT OF BEGINNING; THENCE N00°29'36"E, 624.30 FEET; THENCE S89°56'58"E, 448.69 FEET; THENCE N80°05'50"E, 184.54 FEET; THENCE S88°47'19"E, 410.04 FEET; THENCE N87°26'01"E, 159.77 FEET; THENCE N81°47'58"E, 95.13 FEET; THENCE N79°07'11"E, 105.40 FEET; THENCE N76°40'48"E, 132.80 FEET; THENCE N00°28'22"E, 1,892.13 FEET; THENCE S89°25'28"E, 1,092.00 FEET; THENCE S00°28'23"W, 1,293.34 FEET; THENCE S89°38'04"E, 1,323.01 FEET; THENCE S00°29'11"W, 1,323.67 FEET TO THE SOUTH LINE OF SAID SECTION 33; THENCE N89°38'21"W ALONG SAID SOUTH LINE 1,322.37 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE N89°36'41"W, 2,618.63 FEET TO THE POINT OF BEGINNING.

AND

DESCRIPTION: (AREA "F")

THE NORTH 370.00 FEET OF THE SOUTH 420.00 FEET OF THE EAST 210.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

DESCRIPTION: (AREA "G")

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS.

BEGIN AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE S89°45'06"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF, 661.20 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE N00°17'53"E ALONG SAID WEST LINE 852.05 FEET; THENCE DEPARTING SAID WEST LINE N82°03'38"E, 668.64 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE S00°19'58"W ALONG SAID EAST LINE 941.54 FEET TO THE POINT OF BEGINNING.

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DESCRIPTION: (AREA "H")

A PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS.

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE S00°22'03"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 148.51 FEET; THENCE DEPARTING SAID EAST LINE S67°34'11"W, 104.50 FEET; THENCE S69°49'06"W, 132.79 FEET; THENCE S72°10'36"W, 180.95 FEET; THENCE S74°43'06"W, 67.79 FEET; THENCE S74°19'34"W, 212.14 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE N00°19'58"E ALONG SAID WEST LINE 361.16 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE N89°41'18"E ALONG SAID NORTH LINE, 662.01 FEET TO THE POINT OF BEGINNING.