WATER & WASTEWATER INDUSTRY **QUARTERLY REPORT**

Volume 3, Issue 2

Keeping You Informed About Florida

September 2012

RADEYITHOMASIYONICLARK

Attorneys & Counselors at Law

Commissioner Julie Brown to Serve as Chair of Study Committee By: Susan Clark

The first meeting of the Study Committee on Investor-Owned Water and Wastewater Utilities (Study Committee) was held on September 6, 2012, in Tallahassee. Members in attendance were Julie Brown, PSC Commissioner and Chair of the Study Committee, Keith Burge of Gold Coast Utility; Bobby Lue of the Southwest Florida Water Management District; Jack Mariano of the Pasco County Board of County Commissioners; Scarlet Frisina of the Columbia County Commissioners; John Frame, customer; Donna Gregory of the Lake County Health Department; J.R. Kelly, Office of Public Counsel (OPC) (non-voting member); Bob Holmden, Florida Department of Environmental Protection (DEP) (non-voting member); Patrick Flynn of Utilities Inc. of Florida; Gary Fries of Polk County; Mike Smallridge of Pinecrest Utilities, LLC; Gary Williams of the Florida Rural Water Association; and Ralph Terrero of Miami-Dade County and the Florida



Section of the American Water Works Association. Representative Ray Pilon later joined the meeting telephonically.

Also in attendance were PSC Chairman Ronald Brisé, Florida State Senator Alan Hays, Dr. Mary Bane, the Governor's Energy Advisor and Ralph Lair, Speaker Designee Will Weatherford's legislative assistant.

Chair Brown made introductory remarks and outlined the issues to be considered by the Study Committee. Briefings on Florida's Sunshine Law, Chapter 2012-178, Laws of Florida, which created the Study Committee, the PSC's regulatory authority over water and wastewater systems and the role of the Office of Public Counsel (OPC) were provided. Committee members were then asked to list and explain the issues they would like the Study Committee to consider.

The PSC staff was asked to compile a list of topics that the Study Committee will review and prioritize at their next meeting. Also at the next meeting there will be presentations by the Department of Environmental Protection (DEP) and water management districts.

(Continued on Page 2)

Governor Reappoints Lisa Edgar to Public Service Commission By: Susan Clark



pointed Lisa Edgar to another four-year term at the Public Service Commission.

The PSC Nominating Council submitted four names to the Governor on August 24th: Lisa P. Edgar, current PSC Commissioner; Luz U. Weinberg, Aventura city commissioner; Kenneth Lisa P. Edgar Littlefield, a former state representative who was previously appointed to the PSC by Governor Jeb

On September 21st Governor Rick Scott reap-

Bush and served briefly before resigning when incoming Governor Scott made an alternative appointment; and Dr. Donald J. Polmann, director of science and engineering for Tampa Bay Water.

The appointment is subject to Senate confirmation. If she is confirmed, her term will extend from 2013 to 2017.

Upcoming Events - Mark Your Calendars

Date	Event Name	Event	Location
Oct. 9, 2012 6:00 pm	Staff- Assisted Rate Case	Docket No. 120082-WU— Application for staff- assisted rate case in Gads- den County by Joyland Water System	Gadsden County Public Library, 732 Pat Thomas Parkway, Quincy, FL
Nov. 12-14, 2012	NARUC	124th Annual Meeting	Baltimore Hilton, 401 W Pratt St, Baltimore, MD

Commissioner Julie Brown to Serve as Chair of Study Committee (continued)



Dates and Locations of Future Meetings:

October 3, 2012 - Tallahassee, Florida - starting at 11:00 a.m.

October 18, 2012 - conference call (tentative)

November 29, 2012 - Tallahassee, Florida - starting at 11:00 a.m. (tentative)

January 15, 2012 (If needed to finalize report)

Public hearings are tentatively December 5-6, 2012, or December 13-14, 2012. The locations have not been selected, but there will probably be one hearing in Pasco County and one in Marion County, to comply with the statutory requirements.

[Copies of the agenda, the handouts and presentations for the meeting are available at: http://www.floridawaterstudy.com/ or from Pam Keillor.]

Summaries of PSC Orders filed since July 2012 By Susan F. Clark

PSC-12-0344-FOF-WS—Date Filed: 7-5-2012

Final Order acknowledges Pine Ridge Management Corporation's notice of abandonment of the water and wastewater utility serving the Pine Ridge subdivision of Lake Placid in Okeechobee County. The Okeechobee Utility Authority was appointed receiver for the utility and the utility is therefore exempt from FPSC regulation.

PSC-12-0345-FOF-WU—Date Filed: 7-5-1012

Order acknowledges the abandonment by Bayshore Utilities, Inc. a water utility serving customers in the Yacht Club Colony subdivision located in North Fort Myers. Lee County was appointed as receiver.

PSC-12-0346-FOF-**SU**- Date Filed: 7-5-2012

Final Order approves joint stipulation and settlement agreement between Utilities, Inc. of Eagle Ridge in Lee County and the Office of Public Counsel (OPC). By the agreement, issues relating to the utility's Phoenix Project will be addressed in a generic docket and a regulatory asset or liability will be used to address the PSC's decision on the Phoenix Project. Further, language from the PAA order regarding the used and useful percentage for the water treatment plant is stricken.

PSC-12-0347-FOF-WS—Date Filed: 7-5-2012

Order acknowledges the abandonment of water and wastewater systems in Polk County by Four Points Utility Corporation and Bimini Bay Utilities Corporation, and the appointment of Michael Smallridge as receiver.

PSC-12-0353-PAA-WU-Date Filed: 7-9-2012

Final Order and Proposed Agency Action (PAA) Order grants a certificate to operate a water utility in Pasco County to HV Utility Systems, L.L.C., a subsidiary of Equity LifeStyle Properties, Inc. (ELPI). Water service is to be provided to the Hacienda Village Mobile Home Park. Objections previously filed by Pasco County and the City of New Port Richey were withdrawn. Initial rates with a return on equity of 10.85% and miscellaneous service charges were set as part of the PAA portion of the order.

PSC-12-0355-PCO-WS-Date Filed: 7-9-2012

The Order suspends Aqua Utilities of Florida, Inc.'s (AUF) tariff requesting the establishment of Residential Wastewater Only (RWO) rates for each of the wastewater rate bands serving residential customers.

PSC-12-0357-PAA-WU—Date Filed: 7-10-2012

Proposed Agency Action (PAA) Order approving in part Sunshine Utilities of Central Florida, Inc.'s (Sunshine or Utility) request for an increase in water rates for customers of various systems in Marion County. The quality of the water, the condition of the water plants, and customer satisfaction were all found to be satisfactory. The Utility agreed to several audit adjustments regarding depreciation and O&M expenses. Except for the Winding Waters system, all water treatment plants

Summaries of PSC Orders filed since July 2012 (continued)

were found to be 100% used and useful (U&U). There were different U&U percentages for the various water distribution systems. The return on equity (ROE) was set at 10.85 using the 2011 leverage formula. For the Utility's Unified Systems and Sandy Acres system a 3-tiered inclining block rate structure was approved for residential service. For the Ponderosa Pine and Quail Run systems, a base facility charge (BFC) and uniform gallonage charge was approved. The BFC cost recovery allocation for all systems was set at 40%. A repression adjustment was made for nondiscretionary consumption on the Unified/Sandy Springs systems and for the Ponderosa Pines/Quail Run systems. Changes were also made to various Miscellaneous Service Charges. A refund of interim rates was required.

PSC-12-0371-PCO-WU—Date Filed: 7-18-2012

Order grants, in part, the PSC staff's motion to compel discovery from Water Management Services, Inc. (WMS) a water utility on St. George Island in Franklin County. The scope of the data requests by the staff was narrowed by the Prehearing Officer to conform to the purpose of the proceeding, i.e., a cash flow audit of WMS.

PSC-12-0372-CO-WS—Date Filed: 7-20-2012

Order makes effective and final Order PSC-12-0339-PAA-WS, establishing an authorized range of returns on common equity for water and wastewater utilities.

PSC-12-0377-CO-WS—Date Filed: 7-20-2012

Order makes effective and final Order PSC-12-0340-PAA-WS approving Utilities, Inc.'s request to transfer the majority of organization control from Hydro Star, LLC to Corix Utilities, LLC.

PSC-12-0389-PAA-WU—Date Filed: 7-27-2012

Proposed Agency Action (PAA) Order decreases rates for Mid-County Services, Inc. (Mid-County or Utility) for services to customers in Pinellas County and provides for the refund of excess earnings. This case was the result of a FPSC-initiated earnings investigation and audit. Theaudit was to review the Utility's rate base, capital structure and net operating income. Audit adjustments include adjustments related to the Phoenix Project (software project to improve accounting, customer service, billing and financial and regulatory reporting functions for Utilities, Inc. and its subsidiaries) and the divestiture of Utilities, Inc. properties. The return on equity was reduced from 11.83% to 10.60% based on the current leverage formula and the Utility's capital structure.

PSC-12-0391-PCO-WS—Date Filed: 7-30-2012

Order amends Order Establishing Procedure (OEP) for Service Management Systems, Inc.'s application for authority to transfer assets and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County to reschedule the prehearing conference.

PSC-12-0393-CO-WU—Date Filed: 8-1-2012

Order makes effective and final Order PSC-12-0357-PAA-WU providing a rate increase to Sunshine Utilities of Central Florida for water service from various systems in Marion County.

PSC-12-0396-PAA-WU—Date Filed: 8-1-2012

Proposed Agency Action (PAA) Order cancels Sunshine Utilities of Central Florida, Inc.'s system capacity charges and approves customer connection tap-in charges (i.e., meter installation charges and uniform service availability charges) for systems in Marion County

PSC-12-0402-CO-WU—Date Filed: 8-6-2012

Consummating Order makes effective and final Order PSC-12-0353-PAA-WU setting HV Utility Systems, L.L.C.'s initial rates and charges, and granting Certificate No. 659-W.

PSC-12-0404-PCO-WS—Date Filed: 8-6-2012

Order grants motion of Bluefield Utilities, LLC for continued abatement of proceedings regarding its application for certificates to provide water and wastewater service in Martin and St. Lucie Counties to allow for continued settlement negotiations.

PSC-12-0406-PAA-WS—Date Filed: 8-10-2012

Proposed Agency Action (PAA) Order approves settlement agreement between Useppa Island Utility, Inc.'s and Useppa Property Owners Associations in a staff-assisted rate case (SARC) for water and wastewater service in Lee County. The Agreement was based on Staff's Preliminary Report with exceptions made for transportation costs and allocation of pro forma costs for injection well system. Upon completion of pro forma plant additions Utility agreed not file another rate case prior to 2015, "unless year end 2013 financial data reveals a significant operating loss."

Summaries of PSC Orders filed since July 2012 (continued)

PSC-12-0410-PAA-SU—Date Filed: 8-13-2012

Proposed Agency Action (PAA) Order approving an increase in rates for wastewater service in Highlands County by Utility Corporation of Florida, Inc. (Utility) in a staff assisted rate case (SARC). The overall quality of the service was found to be satisfactory. The wastewater treatment plant was found to be 13 percent used and useful (U&U) and the collection system 69 percent U&U. Several adjustments were made to rate base and a test year average rate base of \$32,900 was approved. Adjustments were made to several elements of operating expense. While a return on equity and overall cost of capital was approved, the operating rate methodology (ORM) was used for setting rates. The ORM is used when the "traditional calculation of revenue requirements would not provide sufficient revenue to protect against variances in revenues and expenses." An operating margin ration of 7.81 percent was allowed. The rate structure for wastewater and reuse—flat rates—was unchanged. The request for a service availability charge was denied, but a late payment charge was approved. The revenue requirement increase was 21.33 percent and a "Phase II" revenue requirement was approved for pro forma items to be completed within 12 months of issuance of the order.

PSC-12-0410A-PAA-SU—Date Filed: 8-16-2012

Amends Order No. PSC-12-0410-PAA-SU to reflect a revised Notice of Further Proceedings.

PSC-12-0411-PCO-WS—Date Filed: 8-13-2012

Order denies Mr. James I. Minnes' second motion to compel discovery of Aquarina Utilities, Inc.

PSC-12-0433-PAA-WS—Date Filed: 8-21-2012

Proposed Agency Action (PAA) Order approves an increase in rates for water and wastewater service in Polk County by Grenelefe Resort Utility, Inc. (Grenelefe or Utility) in a staff-assisted rate case (SARC). The overall quality of the service was found to be satisfactory. The water and wastewater treatment plants and the water distribution and wastewater collection systems were all found to be 100% used and useful. Several adjustments were made to rate base and operating expenses. The Commission approved a 38.71% increase in rates for potable water service and a 39.11% increase for wastewater service. The rate structure approved for the Utility's residential water class is a base facilities charge (BFC) with a four tier inclining block rate for usage; and the rate structure for the non-residential water class is a continuation of the BFC/uniform gallonage structure. Non-potable water rates were not changed. The rate structure for both residential and nonresidential wastewater service was a continuation of the monthly BFC/uniform gallonage charge structure. Repression adjustments were made for both water and wastewater service. Changes were made to the returned check charge, miscellaneous service charges, the late payment charge, and customer deposit requirements.

PSC-12-0434-CO-SU—Date Filed: 8-21-2012

Consummating Order makes effective and final Order PSC-12-0389-PAA-SU finding overearnings and decreasing Mid-County Services, Inc.'s rates in Pinellas County.

PSC-12-0435-PAA-WU—Date Filed: 8-22-2012

Proposed Agency Action (PAA) Order granting in part the requested rate increase by Water Management Services, Inc. (WMS or Utility) for water service in Franklin County. The overall quality of the service was found to be satisfactory. Audit adjustments agreed to by the Utility were approved and several audit adjustments not agreed to were also made. Pro forma plant improvements were approved and the Utility was required to complete the pro forma additions to the plan within 18 months of the issuance of the consummating order and within 12 months of completion submit data on costs incurred. The Utility was required to deposit in an escrow account 35.25% of all revenues collected pursuant to the newly approved rates. Used and useful percents were the same as established in the Utility's last rate case. The return on equity was set at 11.16% based on the PSC's current leverage formula, and the weighted cost of capital was found to be 5.51%. Several adjustments were made to O&M expenses and rate case expense. The approved increase in rates is 39% and a 2-tiered inclining block rate structure with a base facilities charge was approved, as well as a late payment and non-sufficient funds fee. An increase in the service availability charge ws also authorized. No refund of interim rates was required.

PSC-12-0435A-PAA-WU—Date Filed: 9-11-2012

Amends Order No. PSC-12-0435-PAA-WU to correct a word on page 13 of the order (change the word "and" to "for").

PSC-12-0436-PAA-WS—Date Filed: 8-24-2012

Proposed Agency Action (PAA) Order approves an increase in rates and charges for water and wastewater service to the Regency Square Mall, Duval County by Regency Utilities, Inc. in a staff-assisted rate case (SARC). The quality of service was found to be satisfactory. The distribution and collection systems were found to be 100% used and useful (bulk water and wastewater services are purchased from JEA).

Summaries of PSC Orders filed since July 2012 (continued)

Adjustments were made to rate base and O&M expenses. The return on equity was set at 8.74%; however, the Operating Ratio Methodology (ORM) was used in determining the revenue requirement for the wastewater system. Using the ORM a 10% margin over O&M expenses was allowed. The base facility charge (BFC)/gallonage charge rate structure for both the water and wastewater systems was continued. Charges for customer deposits were also approved.

PSC-12-0437-CO-WU—Date Filed: 8-24-2012

Consummating Order makes effective and final Order PSC-12-0396-PAA-WU cancelling Sunshine Utilities of Central Florida, Inc.'s system capacity charges and approving customer tap-in charges.

PSC-12-0443-PAA-WS—Date Filed: 8-28-2012

Proposed Agency Action (PAA) Order approves the transfer of water and wastewater facilities in Palm Beach County and Certificate Nos. 548-W and 478-S from W.P. Utilities, Inc. (WP Utilities) to CAP Utilities LLC (CAP). Existing rates and charges remain in effect. Because the purchase price was 80 percent of the net book value of the system, a negative acquisition adjustment was not included in rate base.

PSC-12-0457-CO-WS—Date Filed: 9-5-2012

Consummating Order makes effective and final Order PSC-12-0406-PAA-WS approving settlement agreement in Useppa Island Utilities, Co., Inc.'s application for a staff-assisted rate case (SARC) for water and wastewater service in Lee County.

PSC-12-0470-CO-SU—Date Filed: 9-10-2012

Consummating Order makes effective and final Order PSC-12-0410-PAA-SU approving an increase in rates for wastewater service in Highlands County by Utility Corporation of Florida.

PSC-12-0471-CO-WS—Date Filed: 9-10-2012

Consummating Order makes effective and final Order PSC-12-0433-PAA-WS approving a rate increase for water and wastewater service in Polk County by Grenelef Utility in a staff assisted rate case (SARC).

PSC-12-0475-PAA-WU—Date Filed: 9-18-2012

Proposed Agency Action (PAA) Order approves the transfer of Pinecrest Ranches, Inc.'s (Pinecrest) certificate (Certificate No. 588-W) to provide water service in Polk County to Pinecrest Utilities, LLC (Pinecrest Utilities). Existing rates and charges remain in effect and the net book value for the transferred facilities was established. A positive acquisition adjustment was not requested and none was approved.

PSC-12-0477-CO-WS—Date Filed: 9-18-2012

Consummating Order makes effective and final Order PSC-12-0435-PAA-WS granting a rate increase to Water Management Services for water service in Franklin County.

PSC-12-0483-CO-WS—Date Filed: 9-20-2012

Consummating Order makes effective and final Order PSC-12-0443-PAA-WS approving the transfer of water and wastewater facilities in Palm Beach County from W.P. Utilities, Inc. to CAP Utilities LLC.

PSC-12-0497-FOF-WS—Date Filed: 9-27-2012

Order approves transfer of majority organization control of Utilities, Inc.'s parent, Hydro Star LLC (Hydro Star), to Corix Utilities. Utilities Inc. currently has 11 PSC-regulated subsidiaries providing water and wastewater services in Florida.

FPSC W/W Dockets OPENED (since July 2012)

120183-WU—Docketed: 7/2/2012

Application for staff-assisted rate case in Lake County by TLP Water, Inc.

120188-WU-Docketed: 7/11/2012

Application for approval of transfer of Century-Fairfield Village, Ltd. water system and Certificate No. 640-W in Marion County to GCP Fairfield Village, LLC.

120191-WS—Docketed: 7/17/2012

Application for amendment of Certificate Nos. 303-W and 525-S to add territory in Volusia County by Tymber Creek Utilities, Incorporated.

120205-WS-Docketed: 7/26/2012

Joint application for transfer of water and wastewater facilities of Paradise Lake Utility, L.L.C. to Florida Governmental Utility Authority in Pasco County, and request of cancellation of Certificates 458-W and 392-S.

120206-WS-Docketed: 7/26/2012

Joint application for transfer of water and wastewater facilities of Mad Hatter Utility, Inc. to Florida Governmental Utility Authority in Pasco County, and request of cancellation of Certificates 340-W and 297-S.

120207-WS—Docketed: 7/27/2012

Application for amendment of Certificate Nos. 631-W and 540-S to extend service area in Sumter County by Central Sumter Utility Company, L.L.C.

120209-WS—Docketed: 7/31/2012

Application for increase in water and wastewater rates in Marion, Orange, Pasco, Pinellas, and Seminole Counties by Utilities, Inc. of Florida.

120219-WS-Docketed: 8/8/2012

Application for approval of transfer of Plantation Landing, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

120232-WS—Docketed: 9/4/2012

Request for authorization to maintain accounting records outside of the State of Florida, pursuant to Rule 25-30.110(1)(b), F.A.C., by Pluris Wedgefield, Inc.

120235-WS—Docketed: 9/19/2012

Application for increase in water and wastewater rates in Lee County by Ni Florida, LLC.

120239-WS—Docketed: 9/25/2012

Application for approval to transfer water and wastewater Certificate Nos. 625-W and 536-S in Lake County from Hidden Valley SPE LLC d/b/a Orange Lake to MHC OL Utility Systems, L.L.C.

120240-WU-Docketed: 9/25/2012

Application for approval of transfer of CWS Communities LP (Haselton Village) water utility and Certification No. 518-W in Lake County to MHC HV FL Utility Systems, L.L.C.



FPSC W/W Dockets CLOSED (since July 2012)

090056-SU–Docketed: 1/29/2009–Date Closed: 7/27/2012

Application for authority to transfer the wastewater facilities of Fountain Lakes Sewer Corporation to Bonita Springs Utilities, Inc. and cancellation of Certificate No. 442-S, In Lee County.

100048-WU—Docketed: 1/22/2010—Date Closed: 9/20/2012

Application for increase in water rates in Marion County by Sunshine Utilities of Central Florida, Inc.

100104-WU—Docketed: 3/8/2010—Date Closed: 7/26/2012

Application for increase in water rates in Franklin County by Water Management Services, Inc.

100337-WS—Docketed: 6/23/2010—Date Closed: 7/2/2012

Application for increase in water and wastewater rates in Pasco County by Mad Hatter Utilities, Inc.

100359-WS—Docketed: 7/22/2010—Date Closed: 9/14/2012

Application for a staff-assisted rate case in Volusia County by Tymber Creek Utilities, Incorporated.

100048-WU—Docketed: 1/22/2010—Date Closed: 9/20/2012

Application for increase in water rates in Marion County by Sunshine Utilities of Central Florida, Inc.

110153-SU—Docketed: 5/13/2011—Date Closed: 7/5/2012

Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

110264-WS—Docketed: 8/31/2011—Date Closed: 9/18/2012

Application for increase in water and wastewater rates in Pasco County by Labrador Utilities, Inc.

120014-WS—Docketed: 1/13/2012—Date Closed: 9/20/2012

Application for authority to transfer facilities and Certificate Nos. 548-W and 478-S from W.P. Utilities, Inc. to CAP Utilities, LLC, in Palm Beach County.

120030-WS—Docketed: 1/25/2012—Date Closed: 7/5/2012

Notice of abandonment of water and wastewater systems in Polk County by Four Points Utility Corporation and Bimini Bay Utilities Corporation.

120042-WS—Docketed: 2/16/2012—Date Closed: 7/5/2012

Notice of abandonment of water and wastewater systems in Okeechobee County by Pine Ridge Management Corporation.

120084-WS—Docketed: 4/13/2012—Date Closed: 9/27/2012

Application of Utilities, Inc. for authority to transfer majority organizational control of Hydro Star, LLC to Corix Utilities (Illinois), LLC.

120104-WU–Docketed: 4/19/2012–Date Closed: 7/5/2012

Notice of abandonment of water system in Lee County by Bayshore Utilities, Inc.

120226-WS—Docketed: 8/24/2012—Date Closed: 8/27/2012

Notice of intent to increase water and wastewater rates in Sumter County by Central Sumter Utility Company, LLC. pursuant to Section 367.081(4)(c), F.S.

We're on the Web at www.radeylaw.com

301 South Bronough Street Suite 200 Tallahassee, FL 32301 850-425-6654 - Phone 850-425-6694 - Fax

Editors & Contributors



Susan F. Clark sclark@radeylaw.com 850-425-6661



Terry Deason* tdeason@radeylaw.com 850-425-6658

Pam Keillor* pkeillor@radeylaw.com 850-425-6663

*not an attorney

Would you like an electronic version of this publication? Sign up at the subscription area of our new website or e-mail Pam Keillor at pkeillor@radeylaw.com

RADEY THOMAS YON CLARK

Attorneys & Counselors at Law

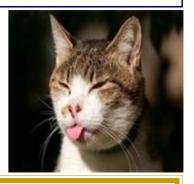
Experience.Service.Success.

Radey Thomas Yon & Clark, P.A. believes that service to clients must be efficient and dedicated. Our location in Tallahassee, Florida, provides us the opportunity to be at the heart of the regulatory, legislative, and judicial arenas. The Water & Wastewater Industry Quarterly Report is provided to our clients and friends in a condensed summary format and should not be relied upon as a complete report nor be considered legal advice or opinion.

Trivia By Pam Keillor

It doesn't take much salt to make water "salty." If one-thousandth (or more) of the weight of water is from salt, then the water is "saline."





RTYC Family News

Partner, Lisa Scoles, last day with RTYC was September 18th. Lisa accepted a position with FSU as an Associate General Counsel. She will be missed.

